

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - SE/Corner Back *
River Neck & Middleborough Rds. * DEPUTY ZONING COMMISSIONER
15th Election District *
5th Councilmanic District * OF BALTIMORE COUNTY

Cloverland Farms Dairy, Inc. * Case No. 96-272-XA
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for the subject property, located on the southeast corner of Middleborough Road and Back River Neck Road in Essex. The Petitions were filed by the owner of the property, Cloverland Farms Dairy, Inc., by John M. Kemp, Vice President, through their attorney, Robert A. Hoffman, Esquire. The Petitioner seeks a special exception to permit an automotive service station on the subject property, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit such use in combination with a food store with a sales area larger than 1500 sq.ft., pursuant to Section 405.4.D.2 of the B.C.Z.R. In addition to the special exception relief sought, the Petitioner requests the following variances from the B.C.Z.R.: 1) From Section 405.4.A.3.D and 409.6.1 to permit 30 parking spaces in lieu of the required 34; 2) from Sections 405.4.A.1 and 405.4.E.1 to permit a site area of 21,170 sq.ft. in lieu of the required 26,600 sq.ft.; 3) from Section 405.4.A.2.B to permit a landscaped transition area of 0 feet in lieu of the required 15 feet for the rear of the property, and 7 feet and 3 feet in lieu of the required 10 feet for those areas abutting public rights-of-way; 4) from Section 405.4.B to waive restroom requirements; 5) from Sections 238.1 and 405.4.A.2.A to permit front setbacks of 22 feet and 25 feet in lieu of the required 25

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Date

By

3/5/96
[Signature]

feet and 35 feet, respectively, and from Section 238.2 to permit a rear yard setback of 0 feet in lieu of the required 30 feet; 6) from Section 405.4.A.2.A to permit gasoline pump island setbacks of 24 feet and 19 feet in lieu of the required 25 feet; 7) from Section 405.4.A.2.A to permit canopy setbacks of 7.5 feet and 5 feet in lieu of the required 15 feet; 8) from Section 413.5.D to permit a freestanding sign height of 35 feet in lieu of the maximum permitted 25 feet; and, 9) from Section 413.2.F to permit a freestanding sign of 552 sq.ft. in lieu of the maximum permitted 100 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Robert A. Hoffman, Esquire, attorney for the Petitioner, and David Martin and Tom Woolfolk, Professional Engineers with George W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this project. There were no Protestants present.

At the onset of the hearing, Counsel for the Petitioner withdrew its request for variance from Section 413.5.D as to the height of the proposed freestanding sign, and modified its request for variance from Section 413.2.F to permit a freestanding sign of 184 sq.ft. total in lieu of the maximum permitted 100 sq.ft. The Petition was so amended and the hearing proceeded on the merits of the modified requests.

Testimony and evidence offered at the hearing revealed that the subject property consists of 0.486 acres of land, more or less, split zoned B.R.-A.S., and is improved with a gasoline service station which is currently used as an auto repair shop. The Petitioner proposes to raze the existing building and redevelop the site with a fuel service use in

combination with a Royal Farm Store. The Petitioner submitted as Petitioner's Exhibit 1 a site plan of the property depicting the proposed improvements. Further testimony revealed that the Petitioner owns the adjoining property located at 4300 Back River Neck Road, which is presently improved with a Royal Farm Store. Upon completion of the proposed project, the Royal Farm Store on that site will relocate to the subject property and the old store will be converted to retail space.

As to the special exception request, testimony revealed that the subject property has always been used for automotive services. Thus, there is no change in use, however, the Petitioner will now operate a food store use in combination with the gasoline service. Testimony revealed that a Royal Farm Store has existed at this corner on the adjacent property for many years. Therefore, there will be no significant change in use on the subject property, by virtue of the special exception request.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-A.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

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cial exception use, irrespective of its location within the zone.
Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

As to the variance relief sought, Petitioner's Exhibit 1 clearly demonstrates that the subject property is certainly unique and peculiar in that it is a long and narrow triangular-shaped lot, sandwiched between Middleborough Road and Back River Neck Road. Given the site constraints associated with this property, the requested variances from setback requirements are necessary in order to proceed with the proposed development. Furthermore, the Petitioner has requested a the variance to waive the requirement for public restrooms in that such facilities might encourage undesirable loitering on the premises. On behalf of the Petitioner, Mr. Kemp testified that bathrooms in Royal Farm Stores at locations such as the subject site can become problems in that members of the general public would have the right to access those bathrooms and could not be asked to leave in the event they were loitering on the property. This presents problems for local law enforcement officials when attempting to move people on who may be loitering on the premises. Furthermore, the Petitioner, at the request of local law enforcement agencies, has agreed not to install pay phones at the subject location, and has further agreed that the pay

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Date 3/5/96
By [Signature]

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phones located at the store on the adjacent property will remain turned off during the evening hours. This practice will prevent loitering on the premises.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of March, 1996 that the Petition for Special Exception to permit an automotive service station on the subject property, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit such use in combination with a food

store with a sales area larger than 1500 sq.ft., pursuant to Section 405.4.D.2 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that variance relief from the B.C.Z.R. shall be approved as follows: 1) From Section 405.4.A.3.D and 409.6.1 to permit 30 parking spaces in lieu of the required 34; 2) from Sections 405.4.A.1 and 405.4.E.1 to permit a site area of 21,170 sq.ft. in lieu of the required 26,600 sq.ft.; 3) from Section 405.4.A.2.B to permit a landscaped transition area of 0 feet in lieu of the required 15 feet for the rear of the property, and 7 feet and 3 feet in lieu of the required 10 feet each for that area abutting public rights-of-way; 4) from Section 405.4.B. to waive restroom requirements; 5) from Sections 238.1 and 405.4.A.2.A to permit a front setback of 22 feet in lieu of the required 25 feet, and in lieu of the required 35 feet, respectively, and from Section 238.2 to permit a rear yard setback of 0 feet in lieu of the required 30 feet; 6) from Section 405.4.A.2.A to permit gasoline pump island setbacks of 24 feet and 19 feet in lieu of the required 25 feet; 7) from Section 405.4.A.2.A to permit canopy setbacks of 7.5 feet and 5 feet in lieu of the required 15 feet; and, 8) from Section 413.2.F to permit a freestanding sign of 184 sq.ft. in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, and as such, the Petition for Variance is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) There shall be no pay telephones installed on the subject property. Furthermore, the existing pay

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Date 3/2/96
By [Signature]

telephones at the Royal Farm Store on the adjoining property shall remain turned off during evening hours.


3) The actual design of the proposed Royal Farm Store shall be within the sole discretion of the Office of Planning. The Petitioner shall submit architectural elevation drawings for the proposed building for review and approval by the Office of Planning prior to the issuance of any building permits.

4) The Petitioner shall continue to cooperate with the Baltimore County Bureau of Highways relative to the construction and maintenance of the outfall drainage ditch to the rear of the existing Royal Farm Store on the adjacent property.

5) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.2.F to permit a freestanding sign of 552 sq.ft. in lieu of the maximum permitted 100 sq.ft., be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.5.D to permit a freestanding sign height of 35 feet in lieu of the maximum permitted 25 feet, be and is hereby DENIED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - SE/Corner Back
River Neck & Middleborough Rds. * DEPUTY ZONING COMMISSIONER
15th Election District
5th Councilmanic District * OF BALTIMORE COUNTY

Cloverland Farms Dairy, Inc. * Case No. 96-272-XA
Petitioner *

* * * * *

AMENDED ORDER

This matter came before this Deputy Zoning Commissioner as Petitions for Special Exception and Variance for an automotive service station on the subject property, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit such use in combination with a food store with a sales area larger than 1500 sq.ft., pursuant to Section 405.4.D.2 of the B.C.Z.R., in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The relief requested was granted by Order issued March 5, 1996, subject to certain terms and restrictions.

Subsequent to the issuance of said Order, Counsel for the Petitioners requested a modification of same to remove Restriction No. 2 thereof to permit the installation of pay telephones on the subject site.

After due consideration of the relief sought and the documentation contained within the case file, it appears that a modification of the Order is appropriate.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of April, 1996 that the Order issued March 5, 1996 be and the same shall hereby AMENDED to remove Restriction No. 2 thereof to permit the relocation of existing pay telephones from the adjoining property to the subject site; and,

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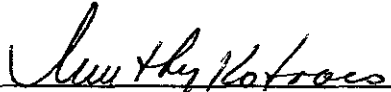
Date

By

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No. 2 thereof to permit the relocation of existing pay telephones from the adjoining property to the subject site; and,

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued March 5, 1996 shall remain in full force and effect.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204

Mr. John M. Kemp, Vice President, Cloverland Farms Dairy, Inc.
2200 N. Monroe Street, Baltimore, Md. 21217

Messrs. David Martin and Tom Woolfolk, G. W. Stephens, Jr. & Assoc.
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

People's Counsel; Case File

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Date 2/3/96

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 5, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
SE/Corner Back River Neck Road and Middleborough Road
15th Election District - 5th Councilmanic District
Cloverland Farms Dairy, Inc. - Petitioner
Case No. 96-272-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. John M. Kemp, Vice President, Cloverland Farms Dairy, Inc.
2200 N. Monroe Street, Baltimore, Md. 21217

Messrs. David Martin and Tom Woolfolk, G. W. Stephens, Jr. & Assoc.
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

People's Counsel

File





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

Southeast corner of Middleborough Road
and Back River Neck Road

which is presently zoned BR-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

- A. Special Exception to permit an automotive service station in an AS district pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations.
- B. Special Exception to permit an automotive service station in combination with a food store with a sales area larger than 1500 square feet pursuant to Section 405.4.D.2 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s)

Cloverland Farms Dairy, Inc.

(Type or Print Name)

By: John M. Kemp

Signature

John M. Kemp, Vice President

(Type or Print Name)

Signature

2200 N. Monroe Street

Address

Phone No.

Baltimore, Maryland 21217

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer & Howard, LLP

Name 210 Allegheny Avenue

Towson, Maryland 21204 494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: SP7

DATE

1-16-96

270

ORDER RECEIVED FOR FILING

Date

By: [Signature]

Robert A. Hoffman

(Type or Print Name)

Signature

Venable, Baetjer & Howard, LLP

210 Allegheny Avenue 494-6200

Address

Phone No.

Towson, Maryland 21204

State

Zipcode

RECORDED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-272-4A
Southeast corner of Middleborough Road
and Back River Neck Road

which is presently zoned BR-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address:

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

(Type or Print Name)

Signature Venable, Baetjer & Howard, LLP

210 Allegheny Avenue 494-6200

Address

Phone No.

Towson, Maryland 21204

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Cloverland Farms Dairy, Inc.

(Type or Print Name)

By: John M. Kemp

Signature

John M. Kemp, Vice President

(Type or Print Name)

Signature

2200 N. Monroe Street 669-7722

Address

Phone No.

Baltimore, Maryland 21217

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

210 Allegheny Avenue

Towson, Maryland 21204 494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: BRN

DATE

1-16-96

270

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Date

Variances Requested

96-272-XA

- C. Variance to permit 30 parking spaces in lieu of 34 required pursuant to Sections 405.4.A.3.D. and 409.6.2 of the Baltimore County Zoning Regulations.
- D. Variance to permit a site area of 21,170 s.f. in lieu of 26,600 s.f. required pursuant to Sections 405.4.A.1 and 405.4.E.1.
- E. Variance to permit a landscaped transition area of 0 ft. in lieu of the 15 ft. rear transition area required and 7 ft., and 3 ft. in lieu of 10 ft. abutting public right-of-way required, pursuant to Section 405.4.A.2.B.
- F. Variance to waive restrooms pursuant to Section 405.4.B.
- G. Variance to permit front setback of 22 ft. in lieu of 25 ft. required, pursuant to Section 238.1 and in lieu of 35 ft. required, pursuant to 405.4.A.2.A. and rear yard setback of 0 ft. in lieu of 30 ft. required, pursuant to Section 238.2.
- H. Variance to permit gasoline pump island setbacks of 24 ft. and 19 ft. in lieu of 25 ft. required, pursuant to Section 405.4.A.2.A.
- I. Variance to permit canopy setbacks of 7.5 ft. and 5 ft. in lieu of 15 ft. required, pursuant to Section 405.4.A.2.A.
- J. ~~Variance to permit a freestanding sign of 35 ft. maximum height in lieu of the 25 ft. permitted, pursuant to Section 413.5.D.~~ ¹⁸⁴ _{mk}
- K. Variance to permit freestanding signs of ~~552~~ ¹⁸⁴ s.f. total in lieu of 100 s.f. maximum permitted, pursuant to Section 413.2.F.

TOIDOC51/BAW01/0017812.01

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

96-272-XA

Cloverland Farms Dairy
Description to Accompany Zoning Petition

November 28, 1995

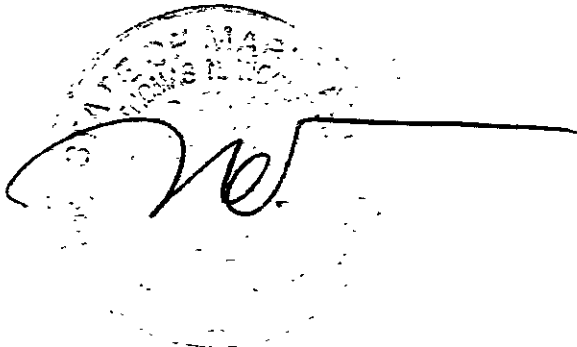
Description of property at the southeastern corner of Middleborough Road and Back River Neck Road to accompany request for Special Exception and Variances.

Beginning at a point on the intersection of the eastern right-of-way line of Back River Neck Road and the eastern right-of-way line of Middleborough Road, said point of beginning being also located South 71° 25' East 54.33 feet from the intersection of the centerlines of Back River Neck Road and Middleborough Road; thence leaving said point of beginning, and binding on the eastern right-of-way line of Middleborough Road the following course;

1. North 31° 12' 55" East 25.39 feet to a point on the intersection of the eastern right-of-way line and southern right-of-way line of Middleborough Road; thence binding on the southern right-of-way line of Middleborough Road the following courses;
2. South 58° 47' 05" East 55.00 feet,
3. North 31° 12' 55" East 7.68 feet,
4. South 58° 18' 45" East 96.66 feet,
5. South 69° 50' 18" East 78.07 feet,
6. North 85° 56' 27" East 55.99 feet, thence leaving said right-of-way and running
7. South 33° 10' 35" West 176.38 feet to a point on the northern right-of-way line of Back River Neck Road; thence binding on said right-of-way
8. North 38° 56' 29" West 284.87 feet, to the point of beginning.

Containing 0.486 acres of land more or less.

Note: the above description is for zoning purposes only and is not to be used for conveyances or agreements.



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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

76-777 XA

District 15th Date of Posting 2/10/96
Posted for: Special Exception & Development Plan Hearing
Petitioner: Cloverland Dairy Farm, Inc
Location of property: SE Cor Middleborough Rd & Rock River Neck Rd

Location of Signs: Facing road way on property being zoned

Remarks: _____
Posted by M. Shadish Date of return: 2/10/96
Signature
Number of Signs: 2

MICROFILMED



CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/8, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/8, 1996.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed identified basis in the case of the proposed use of the property at 1601 Middleborough Road, Towson, Maryland 21204 as follows:

Case #96-272-XA
(Item 270)
1601 Middleborough Road
Towson, Maryland 21204

Special Exception: To permit an automotive service station in an A.S. district and to permit an automotive service station in combination with a food store with a sales area larger than 1,500 square feet.
Variance: to permit 30 parking spaces in lieu of 34 required; to permit a site area of 21,170 square feet in lieu of 26,000 square feet required; to permit a landscaped transition area of zero feet in lieu of 15 feet rear transition area required and 7 feet and 3 feet in lieu of 10 feet abutting public right-of-way required; to permit front setback of 22 feet in lieu of 25 feet required and in lieu of 35 feet required and rear yard setback of zero in lieu of 30 feet required; to permit gasoline pump island setbacks of 24 feet and 19 feet in lieu of 25 feet required; to permit canopy setbacks of 7.5 feet and 5 feet in lieu of 15 feet required; to permit freestanding sign of 35 feet maximum height in lieu of 25 feet maximum permitted.

permitted, and to permit free-standing sign of 35 feet maximum height in lieu of 25 feet maximum permitted.

Hearing: Tuesday, February 27, 1996 at 11:00 a.m. in Rm. 106 County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

5/ Feb. 8. C30287

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

Item 27C.

093677

96-272-XA

DATE

1-16-96

ACCOUNT

R-001-GISC.

FOR CLOVERDALE FARM DAIRIES
AT SE. COR. MIDDLEBURY RD.
BETHESDA, MARYLAND

AMOUNT \$

620.00

VENA P. L. BARTTENS HOWARD LLP.

RECEIVED
FROM:

070 250 C. U. P. M.
040 300 SPEC. EXP.
080 X2 70 2 SIGNS.

FOR:

TOTAL 620

03A91X0424M1CHRL
03A91X0424M1CHRL

03A91X0424M1CHRL

\$620.00

SA 0003:46PM01-16-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

SA 11



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 270 Petitioner: Cleveland Farms Dairy, Inc.
Location: Southeast corner of Liddleborough Rd & Back River Neck Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormrod

ADDRESS: 210 Allegheny Ave
Towson, Md 21204

PHONE NUMBER: 494-6201



TO: PUTUXENT PUBLISHING COMPANY
February 8, 1996 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormord
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-272-XA (Item 270)
1601 Middleborough Road
SEC Middleborough Road and Back River Neck Road
15th Election District - 5th Councilmanic
Legal Owner: Cloverland Farms Dairy, Inc.

Special Exception to permit an automotive service station in an A.S. district: and to permit an automotive service station in combination with a food store with a sales area larger than 1,500 square feet.

Variance to permit 30 parking spaces in lieu of 34 required; to permit a site area of 21,170 square feet in lieu of 26,000 square feet required; to permit a landscaped transition area of zero feet in lieu of 15 feet rear transition area required and 7 feet and 3 feet in lieu of 10 feet abutting public right-of-way required; to waive restrooms; to permit front setback of 22 feet in lieu of 25 feet required and in lieu of 35 feet required and rear yard setback of zero feet in lieu of 30 feet required; to permit gasoline pump island setbacks of 24 feet and 19 feet in lieu of 25 feet required; to permit canopy setbacks of 7.5 feet and 5 feet in lieu of 15 feet required; to permit freestanding sign of 35 feet maximum height in lieu of the 25 feet permitted; and to permit freestanding signs of 552 square feet total in lieu of 100 square feet maximum permitted.

HEARING: TUESDAY, FEBRUARY 27, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 31, 1996

NOTICE OF HEARING

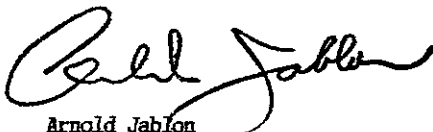
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-272-XA (Item 270)
1601 Middleborough Road
SEC Middleborough Road and Back River Neck Road
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Legal Owner: Cloverland Farms Dairy, Inc.

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Variance to permit 30 parking spaces in lieu of 34 required; to permit a site area of 21,170 square feet in lieu of 26,000 square feet required; to permit a landscaped transition area of zero feet in lieu of 15 feet rear transition area required and 7 feet and 3 feet in lieu of 10 feet abutting public right-of-way required; to waive restrooms; to permit front setback of 22 feet in lieu of 25 feet required and in lieu of 35 feet required and rear yard setback of zero feet in lieu of 30 feet required; to permit gasoline pump island setbacks of 24 feet and 19 feet in lieu of 25 feet required; to permit canopy setbacks of 7.5 feet and 5 feet in lieu of 15 feet required; to permit freestanding sign of 35 feet maximum height in lieu of the 25 feet permitted; and to permit freestanding signs of 552 square feet total in lieu of 100 square feet maximum permitted.

HEARING: TUESDAY, FEBRUARY 27, 1996 at 11:00 a.m. in Room 106, County Office Building.


Arnold Jablon
Director

cc: Cloverland Farms Dairy, Inc.
Robert A. Hoffman, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 21, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 270
Case No.: 96-272-XA
Petitioner: Cloverland Farms

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 16, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

*Copy to Zoning
Commissioner
on 2/12/96*

TO: Arnold Jablon, Director, PDM

DATE: February 12, 1996

FROM: Arnold F. "Pat" Keller, III, Director, PO

SUBJECT: Southeast corner of Middleborough Road and Back River Neck Road

INFORMATION:

Item Number: 270

Petitioner: Cloverland Farms Dairy, Inc

Property Size: _____

Zoning: BR-AS

Requested Action: Special Exception

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

As indicated in the Order in Case No. R-96-200, the Board of Appeals (as does the Office of Planning) believes that existing site difficulties should be addressed by the Petitioner at the hearing of the subject request (see attached Order).

Should the applicant's Petition be granted, this office requests the opportunity to review and approve architectural elevations drawings for the proposed structure prior to the issuance of building permits as this property is located within the area of the Essex-Middle River Community Conservation Plan. A copy of the Plan is attached for your review.

Prepared by: Jeffrey W. Long

Division Chief: Caryl Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/29/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: CLOVERLAND FARMS DAIRY, INC.

LOCATION: SEC MIDDLEBOROUGH RD. AND BACK RIVER NECK RD.

Item No.: 270

Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: February 5, 1996
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 5, 1996
Item No. 270

The Development Plans Review Division has reviewed the subject zoning item. Concrete curb and gutter with 5-foot wide sidewalks should be built to their ultimate location along Middleborough Road, per Dept. of Public Works Standard Plates R-19 and R-21.

The entrance locations should be built per Dept. of Public Works Standard Plate R-32, with a minimum width of 24 feet.

The landscape plan submitted will require considerable refinement at the Development Plan stage. Special landscape treatments may be required to mitigate the Special Exception and Variances.

RWB:sw

SECRET



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

1-26-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 270 (FRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

COPY

INTER-OFFICE CORRESPONDENCE

February 26, 1996

A commitment was made by members of the Bureau of Highways during an August 11, 1994 meeting to construct an outfall ditch at the above referenced location. The following individuals were party to said commitment: State Delegate, Mike Weir and former Delegate Farrell Maddox, Sheldon Epstein and Paul Wellman of the Bureau of Engineering, Richard Cox and Al Bethke of the Bureau of Highways, Glen Schaefer of DEPRM, a reporter from the Avenue Newspaper, an adjacent property owner, Ms. Colvin, and Nick Brader with George W. Stephens, the owner's representative.

To date a portion of the ditch has been constructed by the Bureau of Highways but a portion remains to be completed. Rick Cox has suggested that the remaining portion cannot be completed due to lack of access. If access cannot be obtained for vehicular entry, the work should be completed by other means including hand labor if necessary.

Attached is correspondence file and sketch showing area in which ditch is to be constructed.

Please contact Sheldon Epstein at Extension 3711 if you have any questions.

THH:SSE:plf

Attachment

cc: Shirley Murphy
Winnie Carpenter
File

Baltimore County, Maryland

Interoffice Correspondence

96-272

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: June 20, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 5, 1996
Item No. 270

The Development Plans Review Division has reviewed the subject zoning item. Five foot wide sidewalks should be built to their ultimate location along Middleborough Road, per Department of Public Works Standard Plates R-19 and R-21.

The entrance locations should be built per Department of Public Works Standard Plate R-32, with a minimum width of 24 feet. If existing entrances are used, then no modification is necessary.

The landscape plan submitted will require considerable refinement at the Development Plan stage. Special landscape treatments may be required to mitigate the Special Exception and Variances.

RWB:kbh

Tom Woolfolk, G. W. Stephens

RECEIVED
JUN 26 1996
[illegible]

6/23/96

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

96-222-XA
2/27/96
Jmi

TO: Arnold Jablon, Director, PDM

DATE: February 12, 1996

FROM: Arnold F. "Pat" Keller, III, Director, PO

SUBJECT: Southeast corner of Middleborough Road and Back River Neck Road

INFORMATION:

Item Number: 270

Petitioner: Cloverland Farms Dairy, Inc

Property Size: _____

Zoning: BR-AS

Requested Action: Special Exception

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

As indicated in the Order in Case No. R-96-200, the Board of Appeals (as does the Office of Planning) believes that existing site difficulties should be addressed by the Petitioner at the hearing of the subject request (see attached Order).

Should the applicant's Petition be granted, this office requests the opportunity to review and approve architectural elevations drawings for the proposed structure prior to the issuance of building permits as this property is located within the area of the Essex-Middle River Community Conservation Plan. A copy of the Plan is attached for your review.

Prepared by: _____

Jeffrey W. Long

Division Chief: _____

Caryl Kerns

PK/JL

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

RECEIVED

JAN 25 1996

OFFICE OF
PLANNING

January 24, 1996

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. R-96-200
Cloverland Farms Dairy, Inc.

Dear Mr. Hoffman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Reddy for
Kathleen C. Bianco
Administrative Assistant

Enclosure

cc: Cloverland Farms Dairy, Inc.
on behalf of Royal Farm Stores
G.W. Stephens & Associates, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM



IN THE MATTER OF
THE APPLICATION OF
CLOVERLAND FARMS DAIRY, INC.
FOR A ZONING RECLASSIFICATION FROM
B.R. TO B.R.-A.S. ON PROPERTY
LOCATED ON THE NORTHEAST SIDE BACK
RIVER NECK ROAD, CORNER S/S
MIDDLEBOROUGH ROAD
(1601 MIDDLEBOROUGH ROAD)
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. R-96-200
* (Out of Cycle)
*

* * * * *

O P I N I O N

This case comes before the Board as an out-of-cycle Petition for Zoning Reclassification from B.R. to B.R.-A.S. of a .14 acre of property located at the southeast corner of Middleborough Road and Back River Neck Road in the Fifth Councilmanic District of Baltimore County.

In 1967, the site was the subject of a Reclassification Petition which requested the overlaying of the existing B.R. zoning with a C.N.S. district. The Board of Appeals in Case No. 66-123-X granted the requested application, but at that time the zoning line was incorrectly drawn by the Zoning Office. This error has been perpetrated on each successive Comprehensive Zoning Map ever since through 1992, and the subject property's zoning has not corresponded to the Board of Appeals Order of June 15, 1968.

In 1993, Bill No. 172 consolidated the C.N.S. district into the A.S. (automotive service) district, created due to the increase of fuel service stations with convenience store operations.

Jeffrey Long, of the Baltimore County Office of Planning, testified before this Board as to his involvement in all cases of zoning reclassification, and his familiarity with the subject property since 1971. The first Comprehensive Zoning Map was adopted in 1971, and the mistake made was carried over to the 1971

map and each successive map. Compounding the error further, the zoning line drawn did not correspond precisely to what was presented, and the C.N.S. (A.S.) district line falls in the middle of a building constructed as an auto repair facility.

Counsel for the Petitioner, Cloverland Farms Dairy, proposes the A.S. district application in order to facilitate a complete renovation of the subject property, which is part of a larger parcel of land owned by the applicant. With the approval, the Petitioner plans to improve the site with a Royal Farm Store in combination with fuel pumps.

Thomas Woolfolk, Landscape Architect, researched the County Board of Appeals Order 66-123-X and determined that the area under consideration today, with the remainder of the property, matches the County Board of Appeals Order.

Protestants in this case were Eugenia Colvin and her son, Thomas Colvin. The Colvins testified regarding the serious water run-off from the Farm Store property to their neighboring residential property. Photographs of the flooding of their property (People's Counsel Exhibits 1A, 1B and 1C) give evidence of a serious storm water drainage problem. Past contacts with Cloverland Farms to address the difficulty have resulted in denials that they are responsible. The Colvins also objected to trash coming from the store facility. The Board feels that this is an existing site difficulty which should be addressed as an engineering consideration at such time as Petitioner files for a Special Exception for the proposed use, and which Permits & Development Management should address.

In addressing this matter, the Board must consider Section 2-356(j) of the Baltimore County Code. The projected reclassification is warranted, as recommended by the Office of Planning, to correct a drafting error, and that the requested classification is consistent with uses which are already in place or used in the past.

The issues concerning population trends, adequacy and availability of public utilities, transportation, schools and recreational facilities under the prospective B.R.-A.S. classification, with the character of the surrounding area, have been met. Therefore, the Board finds that the Petitioner has met the burden under Code sections for reclassification.

O R D E R

ACCORDINGLY, IT IS this 24th day of January, 1996 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from B.R. to B.R.-A.S. be and is hereby GRANTED.

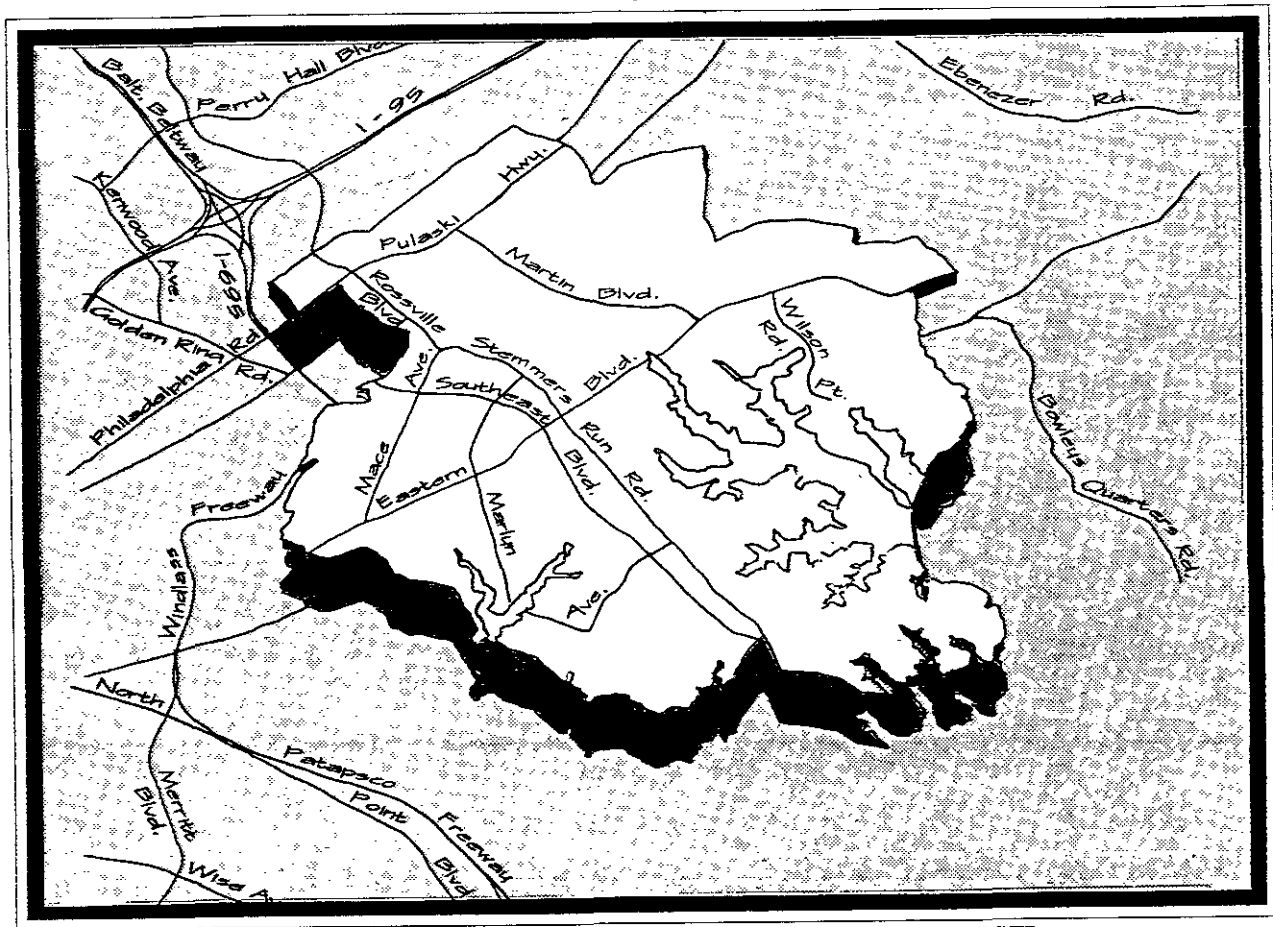
Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz
Robert O. Schuetz, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

S. Diane Levero
S. Diane Levero



Baltimore County Focus on Community

A COMMUNITY CONSERVATION PLAN FOR ESSEX-MIDDLE RIVER

**As Recommended by the Essex-Middle River Community Action Plan Committee
January, 1996**

MICROFILMED

IN THE MATTER OF	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
AND VARIANCE	*	ZONING COMMISSIONER
1601 MIDDLEBOROUGH ROAD,		
SEC MIDDLEBOROUGH ROAD AND	*	OF
BACK RIVER NECK ROAD		
15TH ELECTION DISTRICT	*	BALTIMORE COUNTY
5TH COUNCILMANIC DISTRICT		
	*	CASE NO. 96-272-SPH
CLOVERLAND FARMS DAIRY, INC.		
PETITIONER	*	

* * * * *

SUBPOENA DUCES TECUM

Please issue a Subpoena Duces Tecum to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Tuesday, February 27, 1996, at 11:00 a.m. in Room 106, County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Zoning Commissioner.

Witness: Eric G. Rockel, Supervisor
Contact, Negotiations and Records
Divison of Real Estate
Baltimore County Bureau of Land Acquisition
Address: County Office Building
111 W. Chesapeake Avenue, Rm 111
Towson, Maryland 21204

General Purpose: for the witness to attend and bring with him any and all drawings, documents, correspondence, inter-office memoranda and any other materials that relate to storm drainage systems at the intersection of Middleborough and Back River Neck Roads and any area within 500 feet of the intersection of Middleborough and Back River Neck Roads.

Requested By: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204
(410)494-6200

..MICROFILMED

Murphy H. Brown
Zoning Commissioner

[illegible]

Jim's case

IN THE MATTER OF	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION	*	ZONING COMMISSIONER
AND VARIANCE	*	
1601 MIDDLEBOROUGH ROAD,	*	OF
SEC MIDDLEBOROUGH ROAD AND	*	
BACK RIVER NECK ROAD	*	BALTIMORE COUNTY
15TH ELECTION DISTRICT	*	
5TH COUNCILMANIC DISTRICT	*	CASE NO. 96-272-SPH
	*	
CLOVERLAND FARMS DAIRY, INC.	*	
PETITIONER	*	

* * * * *

SUBPOENA DUCES TECUM

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Witness: Paul E. Wellman
Baltimore County Bureau of Engineering
and Construction

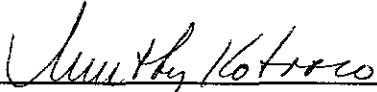
Address: County Office Building
111 W. Chesapeake Avenue, Rm 200
Towson, Maryland 21204

General Purpose: for the witness to attend and bring with him any and all drawings, documents, correspondence, inter-office memoranda and any other materials that relate to storm drainage systems at the intersection of Middleborough and Back River Neck Roads and any area within 500 feet of the intersection of Middleborough and Back River Neck Roads.

Requested By: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204
(410)494-6200

MICROFILMED

**The witness named above is hereby ordered to so appear before the County
Zoning Commissioner.**



Zoning Commissioner

TO1DOCS1/BAW01/0020183.01

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
1601 Middleborough Road, SEC Middlebor-	*	ZONING COMMISSIONER
ough Road and Back River Neck Road		
15th Election District, 5th Councilmanic	*	OF BALTIMORE COUNTY
Cloverland Farms Dairy, Inc.	*	CASE NO. 96-272-XA
Petitioner		
* * * * * * * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

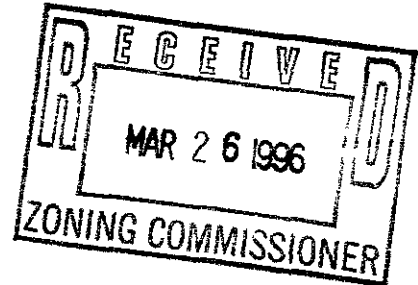
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262

March 26, 1996

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner for Baltimore County
Old Courthouse Suite 113
400 Washington Avenue
Towson, Maryland 21204



Re: Case No.: 96-272-XA

Dear Tim:

It is my understanding that the architect for the project, Peter Ratcliffe and Jeff Long have met and agreed on a design of the proposed Royal Farm Store approved in the referenced case. Essentially, the Office of Planning requested a brick veneer and glass structure as opposed to a glazed material commonly utilized on Royal Farm stores.

I am also writing to ask that you remove Restriction No. 2 in your Order regarding pay telephones. In the alternative, Cloverland Farms Dairy, Inc. would like the opportunity to remove the existing pay telephones and install them on the subject property. Cloverland believes it has an excellent track record of keeping control over the use of telephones and that any restrictions on telephones at this site is unnecessary and may not reflect future changes in Cloverland's corporate practices.

I very much appreciate your considering this request.

Yours truly,

Robert A. Hoffman

*Be He,
Need to amend
this Order
Pay phones.*

RAH:pvb

cc: Mr. Jeffrey W. Long
Mr. John M. Kemp
Mr. Peter W. Ratcliffe

TOIDOC51/RAH01/0021974.01

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DAVID MARTIN

611 W. STEPHENS - 658 KENILWORTH DR.
TOWSON, MD. 21204

Tom Woodfolk

11

Rob Hoffman

210 Allegheny Ave 21204



MIDDLEBOROUGH

ROAD

TYP INLET
37.55
INV 18" RCP
27.88

54670
O.R.W.

N 77°29'02"E 50.30

N 85°56'27"E 55.99

N 35°55'59"E 50.00

INV
18" RCP
28.43

INV
18" RCP
28.25

Prop. Access
Easement

Prop. Drainage Utility
Easement

HOUSE

DECK

S 09°07'45"E 217.55

ROYAL FARM STORE
F.F. ELEV. 30.48

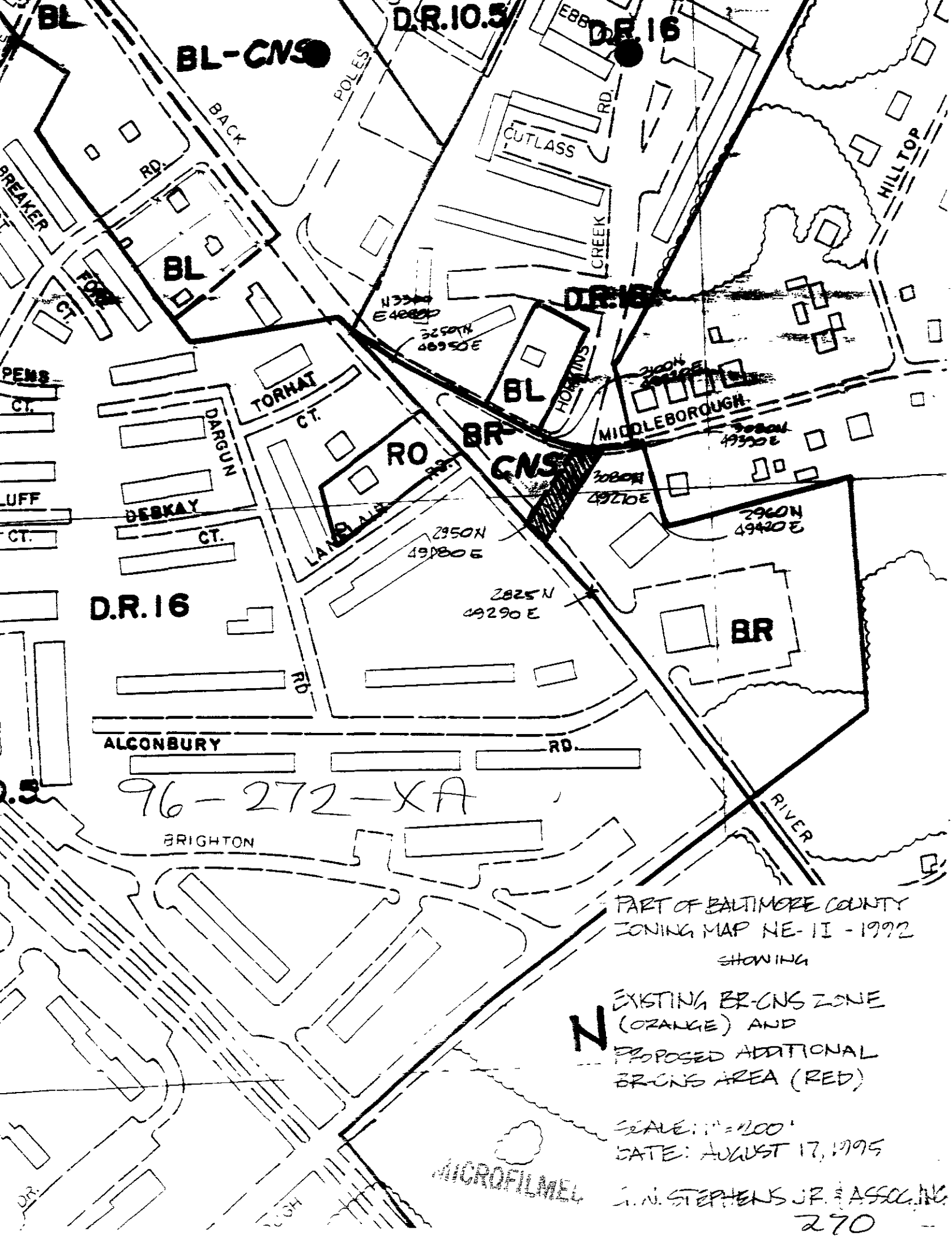
S 80°52'15"W 168.70

PRINT DATE

APR 10 1995

G. W. STEPHENS, JR.

Ba



BL-CNS

D.R. 10.5

D.R. 16

CUTLASS

BL

D.R. 16

TORHAT CT.

BL

MIDDLEBOROUGH

RO

BR-CNS

DEBKAY

D.R. 16

BR

ALCONBURY

96-272-XA

BRIGHTON

PART OF BALTIMORE COUNTY
ZONING MAP NE-II - 1992
SHOWING

N
EXISTING BR-CNS ZONE
(ORANGE) AND
PROPOSED ADDITIONAL
BR-CNS AREA (RED)

SCALE: 1" = 200'
DATE: AUGUST 17, 1995

MICROFILMED

J.W. STEPHENS JR. & ASSOC., INC.

270

96-272-XA



MICROFILMED

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - SE/Corner Back * DEPUTY ZONING COMMISSIONER
River Neck & Middleborough Rds. * OF BALTIMORE COUNTY
15th Election District
5th Councilmanic District
Cloverland Farms Dairy, Inc. * Case No. 96-272-XA
Petitioner

AMENDED ORDER

This matter came before this Deputy Zoning Commissioner as Petitions for Special Exception and Variance for an automotive service station on the subject property, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit such use in combination with a food store with a sales area larger than 1500 sq.ft., pursuant to Section 405.4.D.2 of the B.C.Z.R., in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The relief requested was granted by Order issued March 5, 1996, subject to certain terms and restrictions.

Subsequent to the issuance of said Order, Counsel for the Petitioners requested a modification of same to remove Restriction No. 2 thereof to permit the installation of pay telephones on the subject site.

After due consideration of the relief sought and the documentation contained within the case file, it appears that a modification of the Order is appropriate.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of April, 1996 that the Order issued March 5, 1996 be and the same shall hereby AMENDED to remove Restriction No. 2 thereof to permit the relocation of existing pay telephones from the adjoining property to the subject site; and,

No. 2 thereof to permit the relocation of existing pay telephones from the adjoining property to the subject site; and,
IT IS FURTHER ORDERED that all other terms and conditions of the Order issued March 5, 1996 shall remain in full force and effect.

Timothy H. Kotsick
TIMOTHY H. KOTSICK
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204

Mr. John M. Kemp, Vice President, Cloverland Farms Dairy, Inc.
3200 N. Monroe Street, Baltimore, Md. 21217

Messrs. David Martin and Tom Woolfolk, G. W. Stephens, Jr. & Assoc.
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

People's Counsel; Case File

- 2 -

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - SE/Corner Back * DEPUTY ZONING COMMISSIONER
River Neck & Middleborough Rds. * OF BALTIMORE COUNTY
15th Election District
5th Councilmanic District
Cloverland Farms Dairy, Inc. * Case No. 96-272-XA
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for the subject property, located on the southeast corner of Middleborough Road and Back River Neck Road in Essex. The Petitions were filed by the owner of the property, Cloverland Farms Dairy, Inc., by John M. Kemp, Vice President, through their attorney, Robert A. Hoffman, Esquire. The Petitioner seeks a special exception to permit an automotive service station on the subject property, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit such use in combination with a food store with a sales area larger than 1500 sq.ft., pursuant to Section 405.4.D.2 of the B.C.Z.R. In addition to the special exception relief sought, the Petitioner requests the following variances from the B.C.Z.R.: 1) From Section 405.4.A.3.D and 409.6.1 to permit 30 parking spaces in lieu of the required 34; 2) from Sections 405.4.A.1 and 405.4.E.1 to permit a site area of 21,170 sq.ft. in lieu of the required 26,600 sq.ft.; 3) from Section 405.4.A.2.B to permit a landscaped transition area of 0 feet in lieu of the required 15 feet for the rear of the property, and 7 feet and 3 feet in lieu of the required 10 feet for those areas abutting public rights-of-way; 4) from Section 405.4.B to waive restroom requirements; 5) from Sections 238.1 and 405.4.A.2.A to permit front setbacks of 22 feet and 25 feet in lieu of the required 25

feet and 35 feet, respectively, and from Section 238.2 to permit a rear yard setback of 0 feet in lieu of the required 30 feet; 6) from Section 405.4.A.2.A to permit gasoline pump island setbacks of 24 feet and 19 feet in lieu of the required 25 feet; 7) from Section 405.4.A.2.A to permit canopy setbacks of 7.5 feet and 5 feet in lieu of the required 15 feet; 8) from Section 413.5.D to permit a freestanding sign height of 35 feet in lieu of the maximum permitted 25 feet; and, 9) from Section 413.2.F to permit a freestanding sign of 552 sq.ft. in lieu of the maximum permitted 100 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Robert A. Hoffman, Esquire, attorney for the Petitioner, and David Martin and Tom Woolfolk, Professional Engineers with George W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this project. There were no Protestants present.

At the onset of the hearing, Counsel for the Petitioner withdrew its request for variance from Section 413.5.D as to the height of the proposed freestanding sign, and modified its request for variance from Section 413.2.F to permit a freestanding sign of 184 sq.ft. total in lieu of the maximum permitted 100 sq.ft. The Petition was so amended and the hearing proceeded on the merits of the modified requests.

Testimony and evidence offered at the hearing revealed that the subject property consists of 0.486 acres of land, more or less, split zoned B.R.-A.S., and is improved with a gasoline service station which is currently used as an auto repair shop. The Petitioner proposes to raze the existing building and redevelop the site with a fuel service use in

- 2 -

combination with a Royal Farm Store. The Petitioner submitted as Petitioner's Exhibit 1 a site plan of the property depicting the proposed improvements. Further testimony revealed that the Petitioner owns the adjoining property located at 4100 Back River Neck Road, which is presently improved with a Royal Farm Store. Upon completion of the proposed project, the Royal Farm Store on that site will relocate to the subject property and the old store will be converted to retail space.

As to the special exception request, testimony revealed that the subject property has always been used for automotive services. Thus, there is no change in use, however, the Petitioner will now operate a food store use in combination with the gasoline service. Testimony revealed that a Royal Farm Store has existed at this corner on the adjacent property for many years. Therefore, there will be no significant change in use on the subject property, by virtue of the special exception request.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-A.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

cial exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

As to the variance relief sought, Petitioner's Exhibit 1 clearly demonstrates that the subject property is certainly unique and peculiar in that it is a long and narrow triangular-shaped lot, sandwiched between Middleborough Road and Back River Neck Road. Given the site constraints associated with this property, the requested variances from setback requirements are necessary in order to proceed with the proposed development. Furthermore, the Petitioner has requested a the variance to waive the requirement for public restrooms in that such facilities might encourage undesirable loitering on the premises. On behalf of the Petitioner, Mr. Kemp testified that bathrooms in Royal Farm Stores at locations such as the subject site can become problems in that members of the general public would have the right to access those bathrooms and could not be asked to leave in the event they were loitering on the property. This presents problems for local law enforcement officials when attempting to move people on who may be loitering on the premises. Furthermore, the Petitioner, at the request of local law enforcement agencies, has agreed not to install pay phones at the subject location, and has further agreed that the pay

phones located at the store on the adjacent property will remain turned off during the evening hours. This practice will prevent loitering on the premises.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable to area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 6 -

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of March, 1996 that the Petition for Special Exception to permit an automotive service station on the subject property, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit such use in combination with a food

- 7 -

store with a sales area larger than 1500 sq.ft., pursuant to Section 405.4.D.2 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that variance relief from the B.C.Z.R. shall be approved as follows: 1) From Section 405.4.A.3.D and 409.6.1 to permit 30 parking spaces in lieu of the required 34; 2) from Sections 405.4.A.1 and 405.4.E.1 to permit a site area of 21,170 sq.ft. in lieu of the required 26,600 sq.ft.; 3) from Section 405.4.A.2.B to permit a landscaped transition area of 0 feet in lieu of the required 15 feet for the rear of the property, and 7 feet and 3 feet in lieu of the required 10 feet each for that area abutting public rights-of-way; 4) from Section 405.4.B. to waive restroom requirements; 5) from Sections 238.1 and 405.4.A.2.A to permit a front setback of 22 feet in lieu of the required 25 feet, and in lieu of the required 35 feet, respectively, and from Section 238.2 to permit a rear yard setback of 0 feet in lieu of the required 30 feet; 6) from Section 405.4.A.2.A to permit gasoline pump island setbacks of 24 feet and 19 feet in lieu of the required 25 feet; 7) from Section 405.4.A.2.A to permit canopy setbacks of 7.5 feet and 5 feet in lieu of the required 15 feet; and, 8) from Section 413.2.F to permit a freestanding sign of 184 sq.ft. in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, and as such, the Petition for Variance is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) There shall be no pay telephones installed on the subject property. Furthermore, the existing pay

- 8 -

telephones at the Royal Farm Store on the adjoining property shall remain turned off during evening hours.

3) The actual design of the proposed Royal Farm Store shall be within the sole discretion of the Office of Planning. The Petitioner shall submit architectural elevation drawings for the proposed building for review and approval by the Office of Planning prior to the issuance of any building permits.

4) The Petitioner shall continue to cooperate with the Baltimore County Bureau of Highways relative to the construction and maintenance of the outfall drainage ditch to the rear of the existing Royal Farm Store on the adjacent property.

5) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.2.F to permit a freestanding sign of 552 sq.ft. in lieu of the maximum permitted 100 sq.ft., be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.5.D to permit a freestanding sign height of 35 feet in lieu of the maximum permitted 25 feet, be and is hereby DENIED.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 3/5/96
By [Signature]

- 9 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 5, 1996

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
SE/Corner Back River Neck Road and Middleborough Road
15th Election District - 5th Councilmanic District
Cloverland Farms Dairy, Inc. - Petitioner
Case No. 96-272-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. John M. Kemp, Vice President, Cloverland Farms Dairy, Inc.
2200 N. Monroe Street, Baltimore, Md. 21217

Messrs. David Martin and Tom Woolfolk, G. W. Stephens, Jr. & Assoc.
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

People's Counsel

file

Printed with Soy-based Ink
on Recycled Paper



Petition for Special Exception

96-272-XA
to the Zoning Commissioner of Baltimore County

for the property located at Southeast corner of Middleborough Road and Back River Neck Road

which is presently zoned BR-AS

This Petition shall be filed with the Office of Zoning Administration and Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

A. Special Exception to permit an automotive service station in an AS district pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations.

B. Special Exception to permit an automotive service station in combination with a food store with a sales area larger than 1500 square feet pursuant to Section 405.4.D.2 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Cloverland Farms Dairy, Inc.

By: *John M. Kemp*

Signature: John M. Kemp, Vice President

(Type or Print Name)

Address:

City:

State:

Zip:

Attorney for Petitioner:

Robert A. Hoffman

Address:

City:

State:

Zip:

Name, Address and phone number of legal owner, contract purchaser or representative:

Robert A. Hoffman

Venable, Baetjer & Howard, LLP

210 Allegheny Avenue

Towson, Maryland 21204 494-6200

Towson, Maryland 21204

DATE: 3/5/96

ORDER RECEIVED FOR FILING
Date 3/5/96
By [Signature]



Petition for Variance

96-272-XA
to the Zoning Commissioner of Baltimore County

for the property located at Southeast corner of Middleborough Road and Back River Neck Road

which is presently zoned BR-AS

This Petition shall be filed with the Office of Zoning Administration and Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Cloverland Farms Dairy, Inc.

By: *John M. Kemp*

Signature: John M. Kemp, Vice President

(Type or Print Name)

Address:

City:

State:

Zip:

Attorney for Petitioner:

Robert A. Hoffman

Address:

City:

State:

Zip:

Name, Address and phone number of legal owner, contract purchaser or representative:

Robert A. Hoffman

Venable, Baetjer & Howard, LLP

210 Allegheny Avenue

Towson, Maryland 21204 494-6200

Towson, Maryland 21204

DATE: 3/5/96

ORDER RECEIVED FOR FILING
Date 3/5/96
By [Signature]

270

Variances Requested

96-272-XA

C. Variance to permit 30 parking spaces in lieu of 34 required pursuant to Sections 405.4.A.3.D. and 409.6.2 of the Baltimore County Zoning Regulations.

D. Variance to permit a site area of 21,170 s.f. in lieu of 26,600 s.f. required pursuant to Sections 405.4.A.1 and 405.4.E.1.

E. Variance to permit a landscaped transition area of 0 ft. in lieu of the 15 ft. rear transition area required and 7 ft., and 3 ft. in lieu of 10 ft. abutting public right-of-way required, pursuant to Section 405.4.A.2.B.

F. Variance to waive restrooms pursuant to Section 405.4.B.

G. Variance to permit front setback of 22 ft. in lieu of 25 ft. required, pursuant to Section 238.1 and in lieu of 35 ft. required, pursuant to 405.4.A.2.A. and rear yard setback of 0 ft. in lieu of 30 ft. required, pursuant to Section 238.2.

H. Variance to permit gasoline pump island setbacks of 24 ft. and 19 ft. in lieu of 25 ft. required, pursuant to Section 405.4.A.2.A.

I. Variance to permit canopy setbacks of 7.5 ft. and 5 ft. in lieu of 15 ft. required, pursuant to Section 405.4.A.2.A.

J. Variance to permit a freestanding sign of 33 ft. maximum height in lieu of the 25 ft. permitted, pursuant to Section 413.5.D.

K. Variance to permit freestanding signs of 184 sq.ft. total in lieu of 100 sq.ft. maximum permitted, pursuant to Section 413.2.F.

TOIDOC51/BAW01/0017812.01

request
backlog
by
gmk

270

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Cloverland Farms Dairy

Description to Accompany Zoning Petition

November 28, 1995

Description of property at the southeastern corner of Middleborough Road and Back River Neck Road to accompany request for Special Exception and Variances.

Beginning at a point on the intersection of the eastern right-of-way line of Back River Neck Road and the eastern right-of-way line of Middleborough Road, said point of beginning being also located South 71° 25' East 54.33 feet from the intersection of the centerlines of Back River Neck Road and Middleborough Road, thence leaving said point of beginning, and binding on the eastern right-of-way line of Middleborough Road the following course;

1. North 31° 12' 55" East 25.39 feet to a point on the intersection of the eastern right-of-way line and southern right-of-way line of Middleborough Road; thence binding on the southern right-of-way line of Middleborough Road the following courses;
2. South 58° 47' 05" East 55.00 feet,
3. North 51° 12' 55" East 7.68 feet,
4. South 58° 18' 45" East 96.86 feet,
5. South 69° 50' 18" East 78.07 feet,
6. North 85° 56' 27" East 55.99 feet, thence leaving said right-of-way and running
7. South 33° 10' 35" West 176.38 feet to a point on the northern right-of-way line of Back River Neck Road; thence binding on said right-of-way
8. North 38° 58' 29" West 284.87 feet, to the point of beginning.

Containing 0.486 acres of land more or less.

Note: the above description is for zoning purposes only and is not to be used for conveyances or agreements.

[Signature]

270

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 2/10/96
Posted for: Special Exception to Development Plan
Petitioner: Cloverland Farms, Inc.
Location of property: 25 Year Middleborough Rd. & Back River Neck Rd.
Location of Sign: Along Road by 25 Year Property
Remarks: None
Posted by: M. H. H. H. Date of return: 2/10/96
Number of Signs: 2

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 013677
16-272-XA
DATE: 1-16-96 ACCOUNT: R. COI. GISC.
FROM: TO: CLOVERLAND FARMS DAIRY, INC.
AMOUNT: \$ 620.00
RECEIVED FROM: 070 350 CUM. 300 SPEC. EXCP.
FOR: 080 X 2 700 350 CUM.
03A913024M1CHRC 1020.00
88 6902158V01-10-96
VALIDATION OR SIGNATURE OF CASHIER: SNH

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case No. 96-272-XA (Item 270)
1601 Middleborough Road
SEC Middleborough Road and Back River Neck Road
15th Election District - 5th Councilmanic
Legal Owner: Cloverland Farms Dairy, Inc.
Special Exception to permit an automotive service station in an A.S. district and to permit an automotive service station in combination with a food store with a sales area larger than 1,500 square feet. Variance to permit 30 parking spaces in lieu of 34 required; to permit a site area of 21,170 square feet in lieu of 26,000 square feet required; to permit a landscaped transition area of zero feet in lieu of 15 feet rear transition area required and 7 feet and 3 feet in lieu of 10 feet shutting public right-of-way required; to waive setbacks; to permit front setback of 22 feet in lieu of 25 feet required and rear yard setback of zero feet in lieu of 25 feet required; to permit canopy gasoline pump island setbacks of 24 feet and 19 feet in lieu of 25 feet required; to permit setbacks of 7.5 feet and 5 feet in lieu of 15 feet required; to permit freestanding signs of 35 feet maximum height in lieu of the 25 feet permitted; and to permit freestanding signs of 552 square feet total in lieu of 100 square feet maximum permitted.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/8, 1996
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/8, 1996.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 270 Petitioner: Cloverland Farms Dairy, Inc.
Location: Southwest corner of Middleborough Rd. & Back River Neck Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormond
ADDRESS: 210 Allegheny Ave
Towson, Md 21204
PHONE NUMBER: 494-6201

270

TO: FUTURE PUBLISHING COMPANY
February 8, 1996 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormond
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-272-XA (Item 270)
1601 Middleborough Road
SEC Middleborough Road and Back River Neck Road
15th Election District - 5th Councilmanic
Legal Owner: Cloverland Farms Dairy, Inc.

Special Exception to permit an automotive service station in an A.S. district and to permit an automotive service station in combination with a food store with a sales area larger than 1,500 square feet.

Variance to permit 30 parking spaces in lieu of 34 required; to permit a site area of 21,170 square feet in lieu of 26,000 square feet required; to permit a landscaped transition area of zero feet in lieu of 15 feet rear transition area required and 7 feet and 3 feet in lieu of 10 feet shutting public right-of-way required; to waive setbacks; to permit front setback of 22 feet in lieu of 25 feet required and rear yard setback of zero feet in lieu of 25 feet required; to permit canopy gasoline pump island setbacks of 24 feet and 19 feet in lieu of 25 feet required; to permit setbacks of 7.5 feet and 5 feet in lieu of 15 feet required; to permit freestanding signs of 35 feet maximum height in lieu of the 25 feet permitted; and to permit freestanding signs of 552 square feet total in lieu of 100 square feet maximum permitted.

HEARING: TUESDAY, FEBRUARY 27, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 31, 1996

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-272-XA (Item 270)
1601 Middleborough Road
SEC Middleborough Road and Back River Neck Road
15th Election District - 5th Councilmanic
Legal Owner: Cloverland Farms Dairy, Inc.

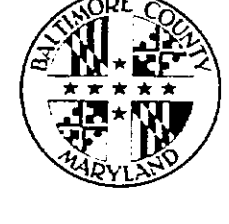
Special Exception to permit an automotive service station in an A.S. district and to permit an automotive service station in combination with a food store with a sales area larger than 1,500 square feet. Variance to permit 30 parking spaces in lieu of 34 required; to permit a site area of 21,170 square feet in lieu of 26,000 square feet required; to permit a landscaped transition area of zero feet in lieu of 15 feet rear transition area required and 7 feet and 3 feet in lieu of 10 feet shutting public right-of-way required; to waive setbacks; to permit front setback of 22 feet in lieu of 25 feet required and rear yard setback of zero feet in lieu of 25 feet required; to permit canopy gasoline pump island setbacks of 24 feet and 19 feet in lieu of 25 feet required; to permit setbacks of 7.5 feet and 5 feet in lieu of 15 feet required; to permit freestanding signs of 35 feet maximum height in lieu of the 25 feet permitted; and to permit freestanding signs of 552 square feet total in lieu of 100 square feet maximum permitted.

HEARING: TUESDAY, FEBRUARY 27, 1996 at 11:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Cloverland Farms Dairy, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 21, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 270
Case No.: 96-272-XA
Petitioner: Cloverland Farms

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 16, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
DATE: February 12, 1996

FROM: Arnold F. "Pat" Keller, III, Director, PO

SUBJECT: Southeast corner of Middleborough Road and Back River Neck Road

INFORMATION:

Item Number: 270
Petitioner: Cloverland Farms Dairy, Inc.
Property Size:
Zoning: BR-AS
Requested Action: Special Exception
Hearing Date: 1/1

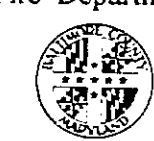
SUMMARY OF RECOMMENDATIONS:

As indicated in the Order in Case No. R-96-200, the Board of Appeals (as does the Office of Planning) believes that existing site difficulties should be addressed by the Petitioner at the hearing of the subject request (see attached Order).

Should the applicant's Petition be granted, this office requests the opportunity to review and approve architectural elevations drawings for the proposed structure prior to the issuance of building permits as this property is located within the area of the Essex-Middle River Community Conservation Plan. A copy of the Plan is attached for your review.

Prepared by: Jeffrey W. Long
Division Chief: Carol Kenna
PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/29/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: CLOVERLAND FARMS DAIRY, INC.

LOCATION: SEC MIDDLEBOROUGH RD. AND BACK RIVER NECK RD.

Item No.: 270 Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

3. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERHALD
Fire Marshal Office, PHONE 887-6881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 5, 1996
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
for February 5, 1996
Item No. 270

The Development Plans Review Division has reviewed the subject zoning item. Concrete curb and gutter with 5-foot wide sidewalks should be built to their ultimate location along Middleborough Road, per Dept. of Public Works Standard Plates R-19 and R-21.

The entrance locations should be built per Dept. of Public Works Standard Plate R-32, with a minimum width of 24 feet.

The landscape plan submitted will require considerable refinement at the Development Plan stage. Special landscape treatments may be required to mitigate the Special Exception and Variances.

RWB:sw



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 270 (JRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Carl Schmidt, Acting Chief
Bureau of Highways
FROM: Thomas H. Hamer, Deputy Director
Department of Public Works
SUBJECT: Royal Farms Property, Middleborough Road
Construction of Outfall Ditch

A commitment was made by members of the Bureau of Highways during an August 11, 1994 meeting to construct an outfall ditch at the above referenced location. The following individuals were party to said commitment: State Delegate, Mike Weir and former Delegate Farrell Maddox, Sheldon Epstein and Paul Wellman of the Bureau of Engineering, Richard Cox and Al Bethke of the Bureau of Highways, Glen Schaefer of DEPRM, a reporter from the Avenue Newspaper, an adjacent property owner, Ms. Colvin, and Nick Brader with George W. Stephens, the owner's representative.

To date a portion of the ditch has been constructed by the Bureau of Highways but a portion remains to be completed. Rick Cox has suggested that the remaining portion cannot be completed due to lack of access. If access cannot be obtained for vehicular entry, the work should be completed by other means including hand labor if necessary.

Attached is correspondence file and sketch showing area in which ditch is to be constructed.

Please contact Sheldon Epstein at Extension 3711 if you have any questions.

THH:SEE:plf

Attachment

cc: Shirley Murphy
Winnie Carpenter
File

Baltimore County, Maryland
Interoffice Correspondence

TO: Arnold Jablon, Director DATE: June 20, 1996
Zoning Administration and Development Management
FROM: Robert W. Bowling, Chief
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
for February 5, 1996
Item No. 270

The Development Plans Review Division has reviewed the subject zoning item. Five foot wide sidewalks should be built to their ultimate location along Middleborough Road, per Department of Public Works Standard Plates R-19 and R-21.

The entrance locations should be built per Department of Public Works Standard Plate R-32, with a minimum width of 24 feet. If existing entrances are used, then no modification is necessary.

The landscape plan submitted will require considerable refinement at the Development Plan stage. Special landscape treatments may be required to mitigate the Special Exception and Variances.

RWB:khh

Tom Woolfolk, G. W. Stephens

2:1996

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: February 12, 1996
FROM: Arnold F. "Pat" Keller, III, Director, PD
SUBJECT: Southeast corner of Middleborough Road and Back River Neck Road

INFORMATION:

Item Number: 270
Petitioner: Cloverland Farms Dairy, Inc.
Property Size: _____
Zoning: BR-AS
Requested Action: Special Exception
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

As indicated in the Order in Case No. R-96-200, the Board of Appeals (as does the Office of Planning) believes that existing site difficulties should be addressed by the Petitioner at the hearing of the subject request (see attached Order).

Should the applicant's Petition be granted, this office requests the opportunity to review and approve architectural elevations drawings for the proposed structure prior to the issuance of building permits as this property is located within the area of the Essex-Middle River Community Conservation Plan. A copy of the Plan is attached for your review.

Prepared by: Jeffrey W. Long

Division Chief: Cheryl Kerns

PK/JL



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

RECEIVED
JUN 25 1996
OFFICE OF
PLANNING

January 24, 1996

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. R-96-200
Cloverland Farms Dairy, Inc.

Dear Mr. Hoffman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,
Christine E. Richey
for
Kathleen C. Bianco
Administrative Assistant

Enclosure

cc: Cloverland Farms Dairy, Inc.
on behalf of Royal Farm Stores
G.W. Stephens & Associates, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM

IN THE MATTER OF * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
CLOVERLAND FARMS DAIRY, INC. *
FOR A ZONING RECLASSIFICATION FROM * OF
B.R. TO B.R.-A.S. ON PROPERTY *
LOCATED ON THE NORTHEAST SIDE BACK *
RIVER NECK ROAD, CORNER S/S * BALTIMORE COUNTY
MIDDLEBOROUGH ROAD * CASE NO. R-96-200
(1601 MIDDLEBOROUGH ROAD) * (Out of Cycle)
15TH ELECTION DISTRICT *
5TH COUNCILMANIC DISTRICT *

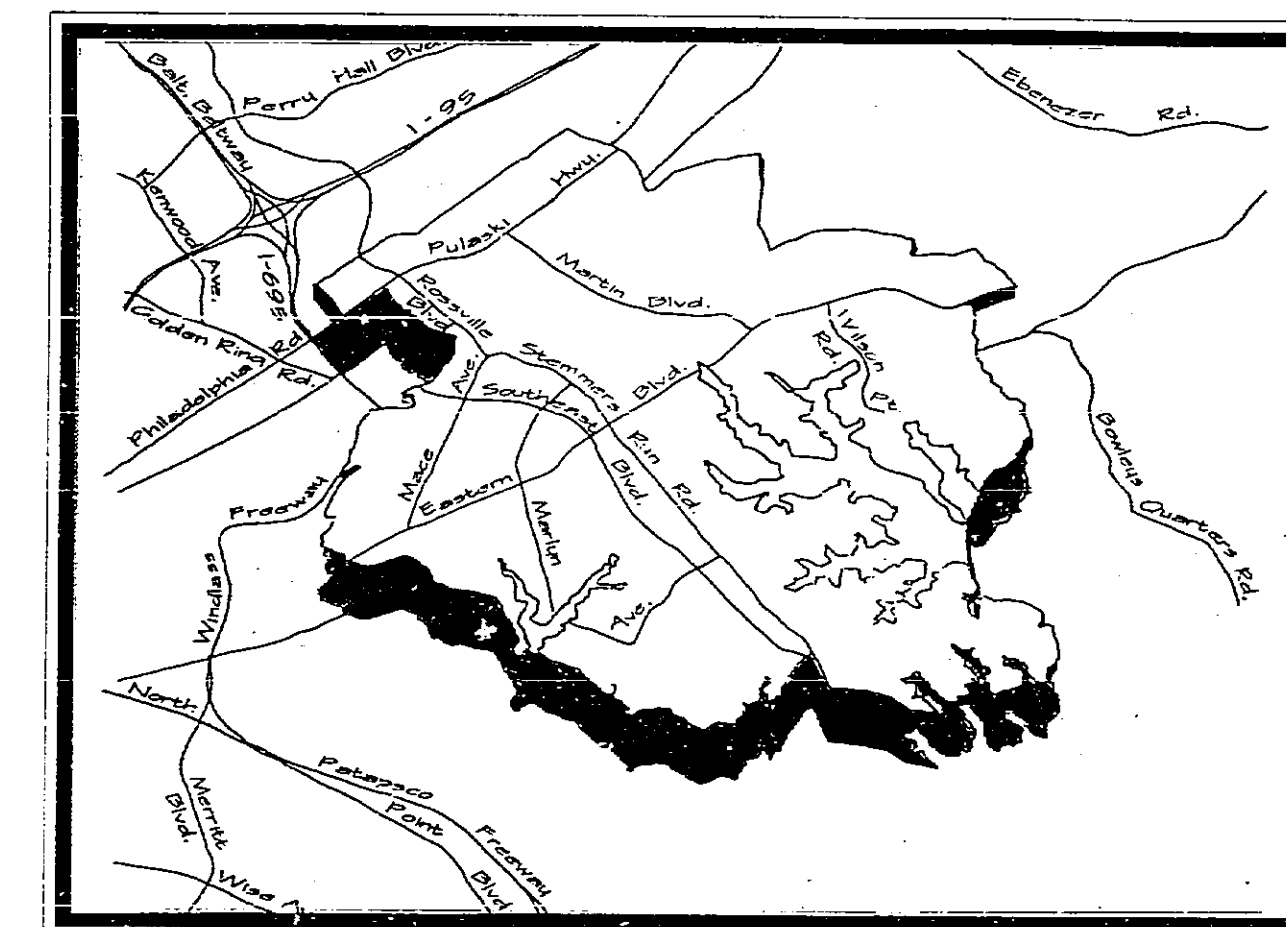
OPINION

This case comes before the Board as an out-of-cycle Petition for Zoning Reclassification from B.R. to B.R.-A.S. of a .14 acre of property located at the southeast corner of Middleborough Road and Back River Neck Road in the Fifth Councilmanic District of Baltimore County.

In 1967, the site was the subject of a Reclassification Petition which requested the overlaying of the existing B.R. zoning with a C.N.S. district. The Board of Appeals in Case No. 66-123-X granted the requested application, but at that time the zoning line was incorrectly drawn by the Zoning Office. This error has been perpetrated on each successive Comprehensive Zoning Map ever since through 1992, and the subject property's zoning has not corresponded to the Board of Appeals Order of June 15, 1968.

In 1993, Bill No. 172 consolidated the C.N.S. district into the A.S. (automotive service) district, created due to the increase of fuel service stations with convenience store operations.

Jeffrey Long, of the Baltimore County Office of Planning, testified before this Board as to his involvement in all cases of zoning reclassification, and his familiarity with the subject property since 1971. The first Comprehensive Zoning Map was adopted in 1971, and the mistake made was carried over to the 1971



Baltimore County Focus on Community

A COMMUNITY
CONSERVATION PLAN FOR
ESSEX-MIDDLE RIVER

As Recommended by the Essex-Middle River Community Action Plan Committee
January, 1996

IN THE MATTER OF
PETITION FOR SPECIAL EXCEPTION
AND VARIANCE
1501 MIDDLEBOROUGH ROAD,
SEC MIDDLEBOROUGH ROAD AND
BACK RIVER NECK ROAD
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
CLOVERLAND FARMS DAIRY, INC.
PETITIONER

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
CASE NO. 96-272-SPH

RETURN OF PRIVATE PROCESS SERVER

Pursuant to Maryland Rule 2-126(a), I, the undersigned, hereby certify that service of process was executed on Eric G. Rockel, on the 23rd day of February, 1996, by delivering and leaving a copy of the Subpoena Duces Tecum.

I further certify that I am over eighteen years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.

Barbara W. Ormond
Barbara White Ormond

TOIDOC51/BAW01/0020347.01

IN THE MATTER OF
PETITION FOR SPECIAL EXCEPTION
AND VARIANCE
1601 MIDDLEBOROUGH ROAD,
SEC MIDDLEBOROUGH ROAD AND
BACK RIVER NECK ROAD
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
CLOVERLAND FARMS DAIRY, INC.
PETITIONER

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
CASE NO. 96-272-SPH

SUBPOENA DUCES TECUM

Please issue a Subpoena Duces Tecum to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Tuesday, February 27, 1996, at 11:00 a.m. in Room 106, County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Zoning Commissioner.

Witness: Eric G. Rockel, Supervisor
Contact, Negotiations and Records
Division of Real Estate
Baltimore County Bureau of Land Acquisition
Address: County Office Building
111 W. Chesapeake Avenue, Rm 111
Towson, Maryland 21204

General Purpose: for the witness to attend and bring with him any and all drawings, documents, correspondence, inter-office memoranda and any other materials that relate to storm drainage systems at the intersection of Middleborough and Back River Neck Roads and any area within 500 feet of the intersection of Middleborough and Back River Neck Roads.

Requested By: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204
(410)494-6200

The witness named above is hereby ordered to so appear before the County Zoning Commissioner.

Marie H. Franco
Zoning Commissioner

TOIDOC51/BAW01/0020185.01

IN THE MATTER OF
PETITION FOR SPECIAL EXCEPTION
AND VARIANCE
1601 MIDDLEBOROUGH ROAD,
SEC MIDDLEBOROUGH ROAD AND
BACK RIVER NECK ROAD
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
CLOVERLAND FARMS DAIRY, INC.
PETITIONER

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
CASE NO. 96-272-SPH

SUBPOENA DUCES TECUM

Please issue a Subpoena Duces Tecum to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Tuesday, February 27, 1996, at 11:00 a.m. in Room 106, County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Zoning Commissioner.

Witness: Paul E. Wellman
Baltimore County Bureau of Engineering
and Construction
Address: County Office Building
111 W. Chesapeake Avenue, Rm 200
Towson, Maryland 21204

General Purpose: for the witness to attend and bring with him any and all drawings, documents, correspondence, inter-office memoranda and any other materials that relate to storm drainage systems at the intersection of Middleborough and Back River Neck Roads and any area within 500 feet of the intersection of Middleborough and Back River Neck Roads.

Requested By: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204
(410)494-6200

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
1601 Middleborough Road, SEC Middlebor-
ough Road and Back River Neck Road
15th Election District, 5th Councilmanic
Cloverland Farms Dairy, Inc.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-272-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

VENABLE
BAETJER & HOWARD, LLP
ATTORNEYS AT LAW

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21204-5517
(410) 494-6200, Fax (410) 821-4147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262

March 26, 1996

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner for Baltimore County
Old Courthouse Suite 113
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 96-272-XA

Dear Tim:

It is my understanding that the architect for the project, Peter Ratcliffe and Jeff Long have met and agreed on a design of the proposed Royal Farm Store approved in the referenced case. Essentially, the Office of Planning requested a brick veneer and glass structure as opposed to a glazed material commonly utilized on Royal Farm stores.

I am also writing to ask that you remove Restriction No. 2 in your Order regarding pay telephones. In the alternative, Cloverland Farms Dairy, Inc. would like the opportunity to remove the existing pay telephones and install them on the subject property. Cloverland believes it has an excellent track record of keeping control over the use of telephones and that any restrictions on telephones at this site is unnecessary and may not reflect future changes in Cloverland's corporate practices.

I very much appreciate your considering this request.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH:pvh
cc: Mr. Jeffrey W. Long
Mr. John M. Kemp
Mr. Peter W. Ratcliffe
TOIDOC51/RAH01/0021974.01

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
DAVID MARTIN

Tom Oostfalk

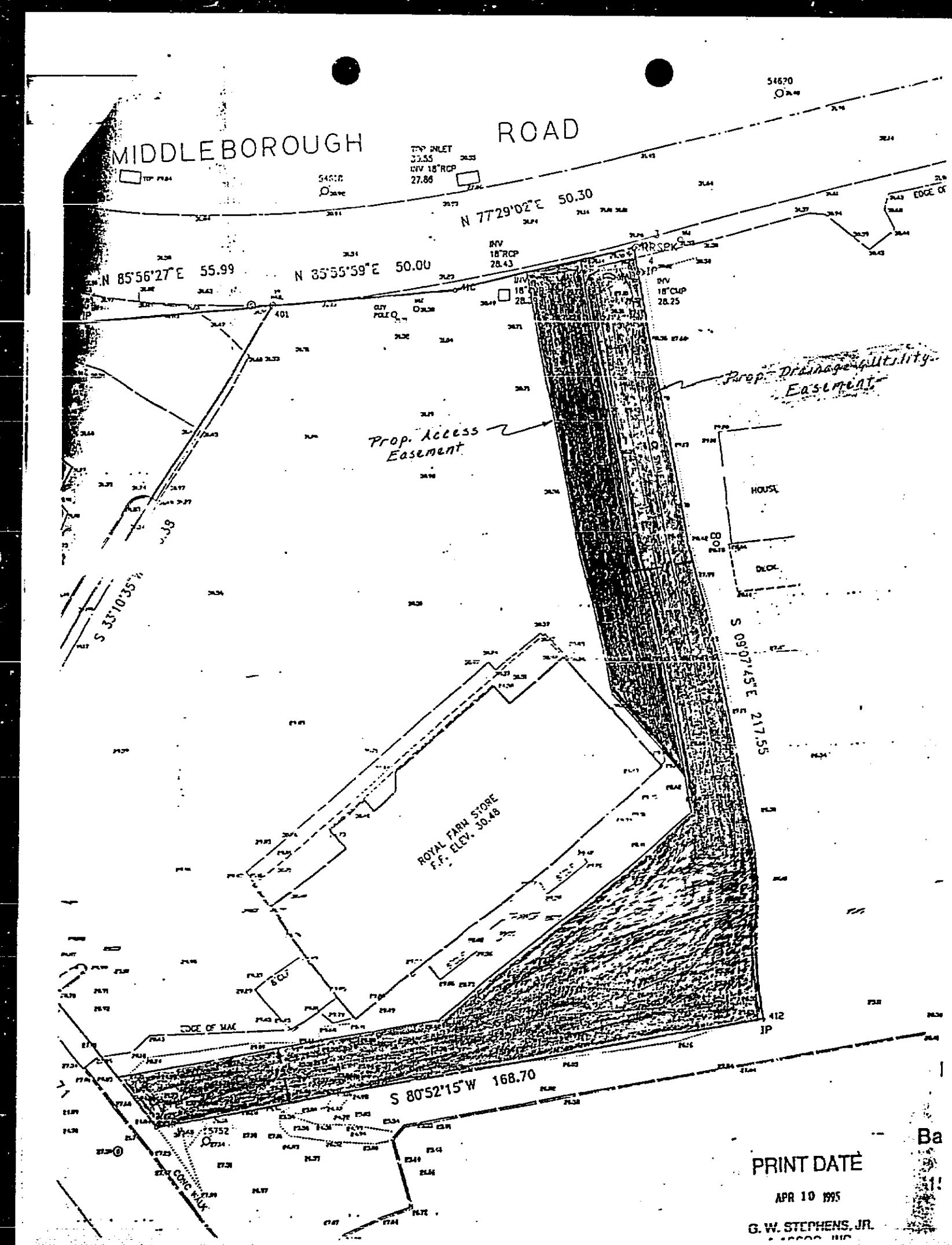
Rob Hoffman

ADDRESS

610 STEPHENS - 450 PENNSYLVANIA DR.
TOWSON, MD. 21204

11

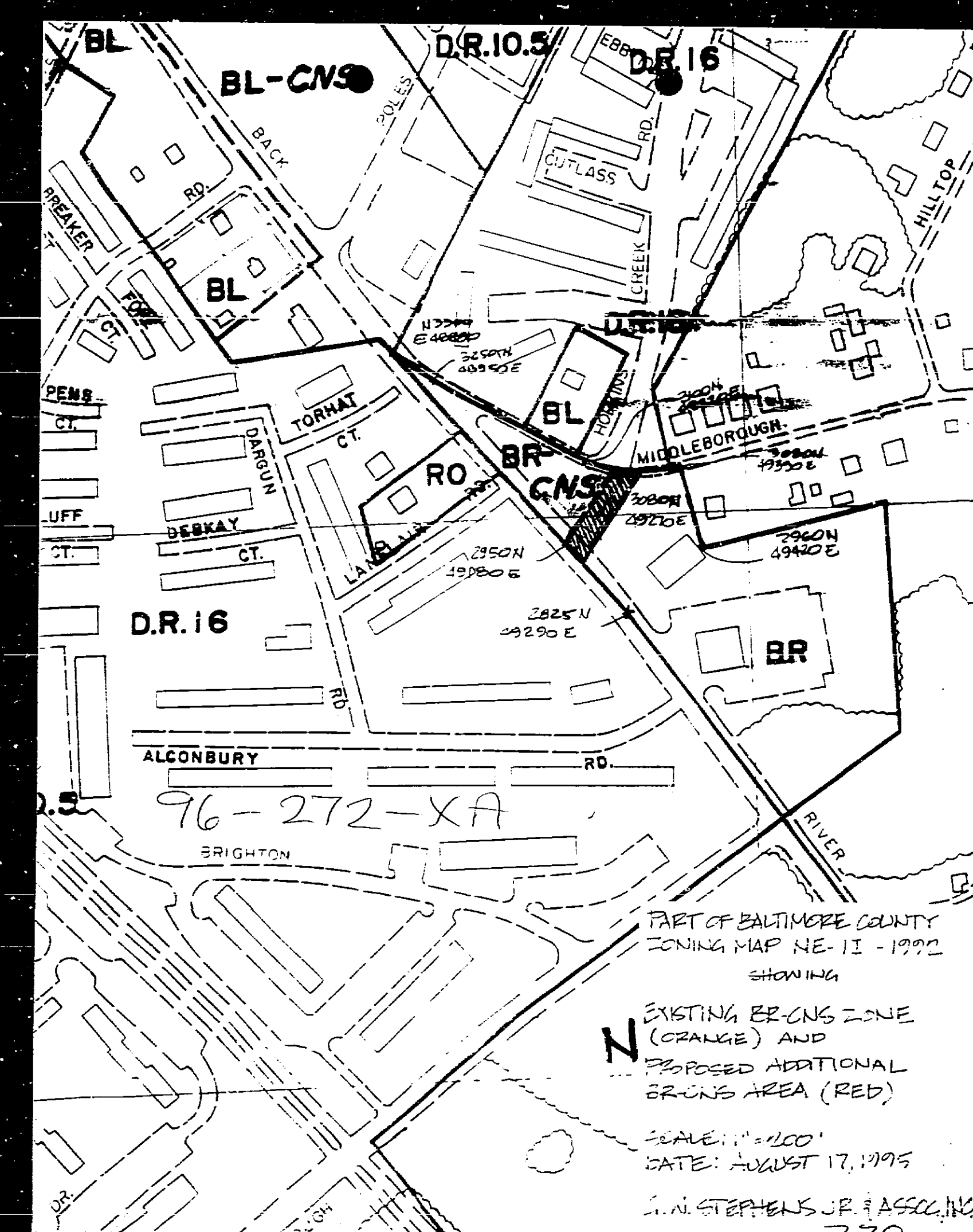
210 Allegheny Ave 21204



PRINT DATE

APR 10 1996

G.W. STEPHENS, JR.

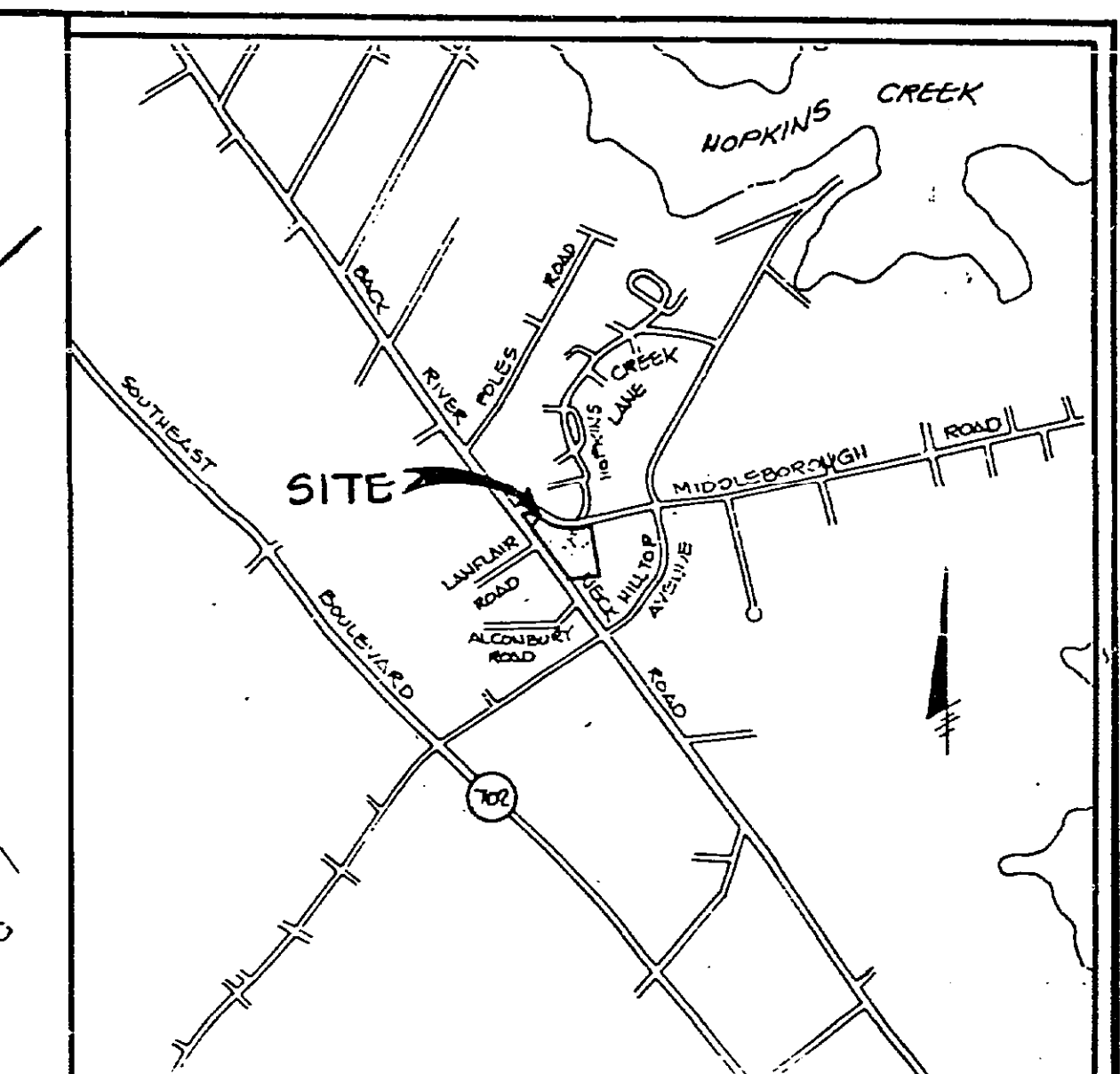
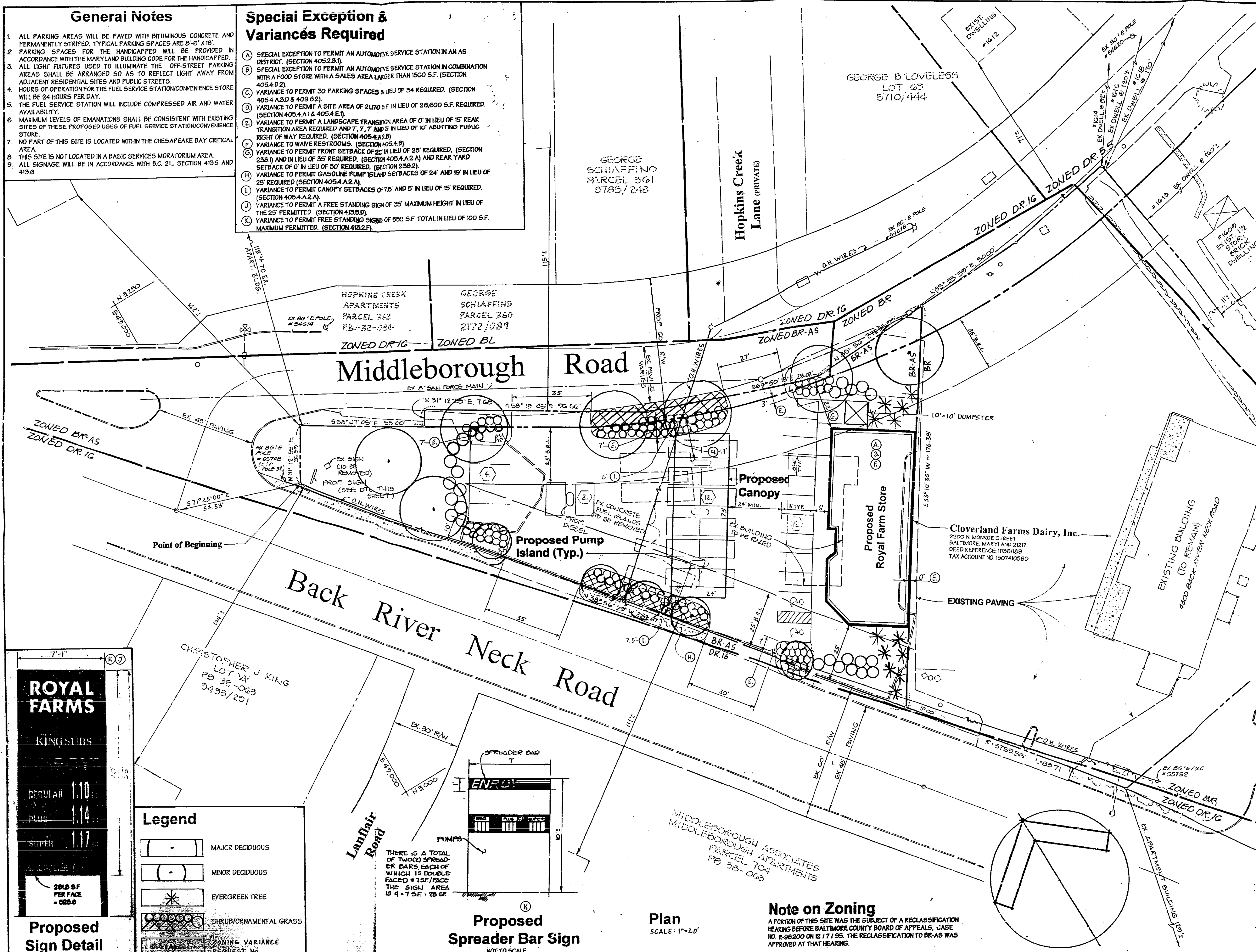


General Notes

- ALL PARKING AREAS WILL BE PAVED WITH BITUMINOUS CONCRETE AND PERMANENTLY STRIPED. TYPICAL PARKING SPACES ARE 8'-6" X 18'.
- PARKING SPACES FOR THE HANDICAPPED WILL BE PROVIDED IN ACCORDANCE WITH THE MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- ALL LIGHT FIXTURES USED TO ILLUMINATE THE OFF-STREET PARKING AREAS SHALL BE ARRANGED SO AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
- HOURS OF OPERATION FOR THE FUEL SERVICE STATION/CONVENIENCE STORE WILL BE 24 HOURS PER DAY.
- THE FUEL SERVICE STATION WILL INCLUDE COMPRESSED AIR AND WATER AVAILABILITY.
- MAXIMUM LEVELS OF EMANATIONS SHALL BE CONSISTENT WITH EXISTING SITES OF THESE PROPOSED USES OF FUEL SERVICE STATION/CONVENIENCE STORE.
- NO PART OF THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE IS NOT LOCATED IN A BASIC SERVICES MORATORIUM AREA.
- ALL SIGNAGE WILL BE IN ACCORDANCE WITH B.C. 21, SECTION 413.5 AND 413.6.

Special Exception & Variances Required

- SPECIAL EXCEPTION TO PERMIT AN AUTOMOTIVE SERVICE STATION IN AN AS DISTRICT. (SECTION 405.2.B.)
- SPECIAL EXCEPTION TO PERMIT AN AUTOMOTIVE SERVICE STATION IN COMBINATION WITH A FOOD STORE WITH A SALES AREA LARGER THAN 1500 S.F. (SECTION 405.4.D.)
- VARIANCE TO PERMIT 30 PARKING SPACES IN LIEU OF 34 REQUIRED. (SECTION 405.4.B.3.D. & 405.6.2.)
- VARIANCE TO PERMIT A SITE AREA OF 21,170 S.F. IN LIEU OF 26,600 S.F. REQUIRED. (SECTION 405.4.A.1 & 405.4.E.)
- VARIANCE TO PERMIT A LANDSCAPE TRANSITION AREA OF 0' IN LIEU OF 15' REAR TRANSITION AREA REQUIRED AND 7', 7' AND 5' IN LIEU OF 10' ADJUTING PUBLIC RIGHT OF WAY REQUIRED. (SECTION 405.4.A.2.B.)
- VARIANCE TO WAIVE RESTROOMS. (SECTION 405.4.B.)
- VARIANCE TO PERMIT FRONT SETBACK OF 25' IN LIEU OF 25' REQUIRED. (SECTION 238.1) AND IN LIEU OF 35' REQUIRED. (SECTION 405.4.A.2.A) AND REAR YARD SETBACK OF 0' IN LIEU OF 50' REQUIRED. (SECTION 238.2)
- VARIANCE TO PERMIT GASOLINE PUMP ISLAND SETBACKS OF 24' AND 19' IN LIEU OF 25' REQUIRED. (SECTION 405.4.A.2.A)
- VARIANCE TO PERMIT CANOPY SETBACKS OF 7.5' AND 5' IN LIEU OF 15' REQUIRED. (SECTION 405.4.A.2.A)
- VARIANCE TO PERMIT A FREE STANDING SIGN OF 35' MAXIMUM HEIGHT IN LIEU OF THE 25' PERMITTED. (SECTION 413.5.D)
- VARIANCE TO PERMIT FREE STANDING SIGN OF 552 S.F. TOTAL IN LIEU OF 100 S.F. MAXIMUM PERMITTED. (SECTION 413.2.F)



Vicinity Map
SCALE: 1" = 1000'

Site Data

ELECTION DISTRICT	15
COUNCILMANIC DISTRICT	5
EXISTING ZONING	BR-AS
DEED REFERENCE	11036109,7446/515
TAX ACCOUNT NUMBER	1507410560, 1508551560
PLAT REFERENCE	8/02
CENSUS TRACT	4308.2
WATERSHED	15
SUBWERSHED	39
THERE ARE NO 100 YEAR FLOOD PLAINS ON SITE.	
THERE ARE NO CRITICAL AREAS ON SITE.	
THERE ARE NO ARCHAEOLOGICAL SITES ON SITE.	
THERE ARE NO HISTORIC BUILDINGS ON SITE.	
THERE ARE NO ENDANGERED SPECIES HABITATS ON SITE.	
SITE AREA PROVIDED	21,170 S.F. (0.486 AC.)
SITE AREA REQUIRED	12,000 S.F. (15,000 S.F. MIN)
FUEL SERVICE STATION 1500 X 8 FUEL SERVICE SPACES	11,600 S.F.
CONVENIENCE STORE 2,900 X 4	26,600 S.F.
TOTAL SITE AREA REQUIRED	38,200 S.F.
EXISTING ZONING	BR-AS
EXISTING USE	AUTO REPAIR
PROPOSED USE	CONVENIENCE STORE AND FUEL SERVICE STATION
PROPOSED BUILDING FLOOR AREA	2,900 S.F.
AREA OF SPECIAL EXCEPTION	21,170 S.F. (0.486 AC.)
PARKING REQUIRED:	
FUEL SERVICE STATION	8
0 FUEL SERVICE SPACES	8
15 STACKING SPACE EACH SIDE OF MPD X 4 MPD	2
15 SPACE/EMPLOYEE X 2 EMPLOYEES	1
15 SPACE FOR SELF-SERVICING AIR STATION	1
CONVENIENCE STORE	15
2,900 S.F. @ 5 SPACES/1000 S.F.	34 SPACES
TOTAL PARKING REQUIRED	34 SPACES
PARKING PROVIDED:	
FUEL SERVICE STATION	16
CONVENIENCE STORE	14
TOTAL PARKING PROVIDED	30 SPACES

Required Planting Units

ADJACENT ROADS	0.1 P.U. / 40 L.F.	590 L.F. / 40	= 14.75 P.U.
INTERIOR ROADS	0.1 P.U. / 20 L.F.	0 L.F. / 20	= 0 P.U.
SCREENING	0.1 P.U. / 15 L.F.	30 L.F. / 15	= 2 P.U.
PUMPSTER FROM PUBLIC R/W	0.1 P.U. / 12 P.S.	16 P.S. / 12	= 1.33 P.U.
PARKING LOTS	0.1 P.U. / 10 L.F.	165 L.F. / 10	= 16.5 P.U.
LANDSCAPE TRANSITION AREA (E)	0.1 P.U. / 15 L.F.	455 L.F. / 15	= 30.33 P.U.
SIDE & REAR YARDS	0.1 P.U. / 15 L.F.	455 L.F. / 15	= 30.33 P.U.
ALONG PUBLIC R/W (CLASS B)	0.1 P.U. / 15 L.F.	455 L.F. / 15	= 30.33 P.U.
7% LANDSCAPED AREA IN PARKING LOT	11,497 S.F. X 0.7		= 8,048 S.F.
PLANTING UNITS PROVIDED	EXISTING	NEW	
MAJOR DECIDUOUS	0.1:1	7 = 7 P.U.	
MINOR DECIDUOUS	0.2:1	6 = 3 P.U.	
EVERGREEN	0.2:1	12 = 6 P.U.	
SHRUB	0.5:1	243 = 48.6 P.U.	
TOTAL P.U. PROVIDED			64.6 = 65 P.U.

THE LANDSCAPE TRANSITION AREA SHALL BE PLANTED AND SCREENED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES.

96-272-XA

Plat to Accompany Special Exception and Variance Request With Schematic Landscaping
Back River Neck Road at
Middleborough Road
ELECTION DISTRICT 15 COUNCILMANIC DISTRICT 5
BALTIMORE COUNTY, MARYLAND
NOVEMBER 22, 1995
P.N. 7720 SHEET 1 OF 1

ROYAL FARMS

REGULAR	1.10
PLUS	1.14
SUPER	1.17

2010 S.F. PER FACE = 0.025

Proposed Sign Detail
NOT TO SCALE

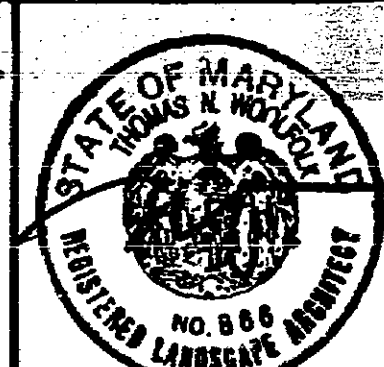
Legend

()	MAJOR DECIDUOUS
()	MINOR DECIDUOUS
*	EVERGREEN TREE
SHRUB/ORNAMENTAL GRASS	
ZONING VARIANCE REQUEST NO.	

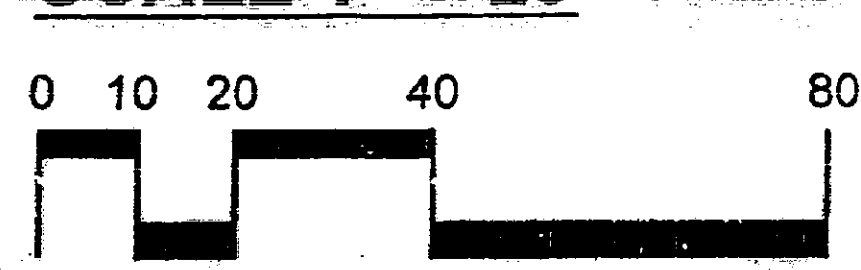
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120



SCALE 1" = 20'



Plan
SCALE: 1" = 20'

Note on Zoning

A PORTION OF THIS SITE WAS THE SUBJECT OF A RECLASSIFICATION HEARING BEFORE BALTIMORE COUNTY BOARD OF APPEALS, CASE NO. R-96200 ON 12/17/95. THE RECLASSIFICATION TO BR-AS WAS APPROVED AT THAT HEARING.

OWNER/DEVELOPER
Cloverland Farms Dairy, Inc.
2200 North Monroe Street
Baltimore, Maryland 21217
(410) 669-2222

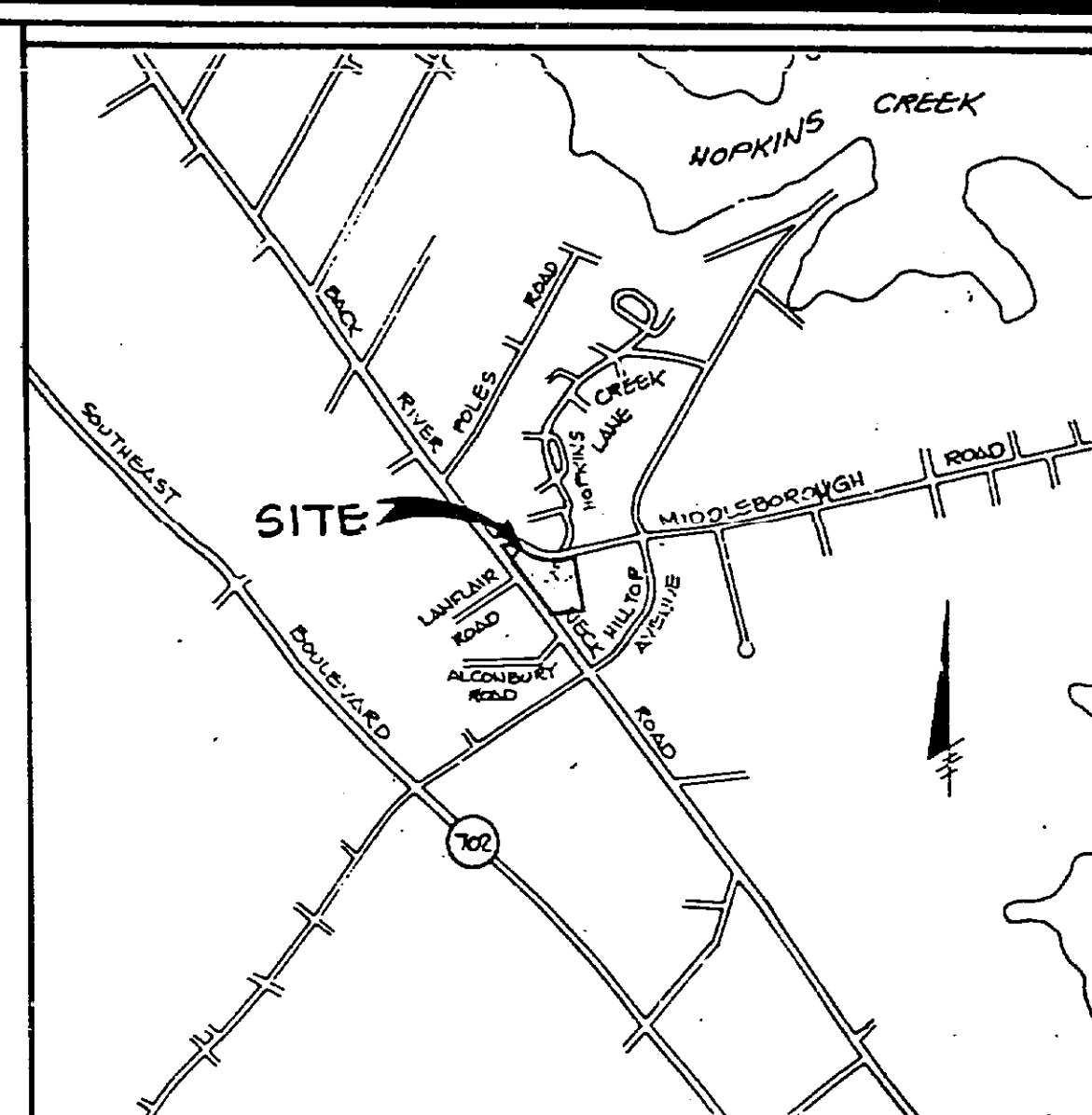
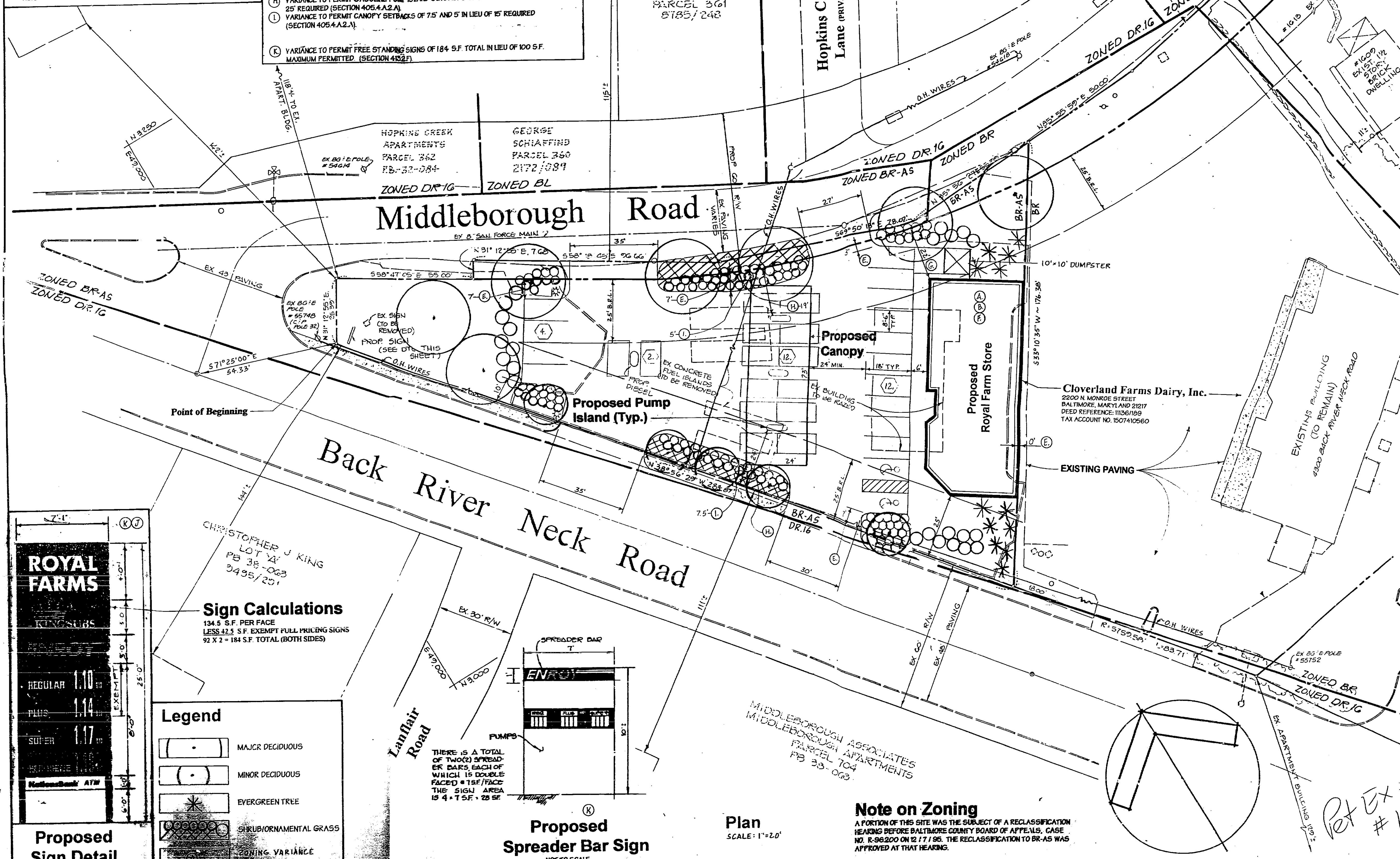
REVISED 1-11-96
REVISED 1-4-96
REVISED 12-29-95
REVISED 12-14-95

General Notes

1. ALL PARKING AREAS WILL BE PAVED WITH BITUMINOUS CONCRETE AND PERMANENTLY STRIPED. TYPICAL PARKING SPACES ARE 8'-6" X 18'.
2. PARKING SPACES FOR THE HANDICAPPED WILL BE PROVIDED IN ACCORDANCE WITH THE MARYLAND BUILDING CODE FOR THE HANDICAPPED.
3. ALL LIGHT FIXTURES USED TO ILLUMINATE THE OFF-STREET PARKING AREAS SHALL BE ARRANGED SO AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
4. HOURS OF OPERATION FOR THE FUEL SERVICE STATION/CONVENIENCE STORE WILL BE 24 HOURS PER DAY.
5. THE FUEL SERVICE STATION WILL INCLUDE COMPRESSED AIR AND WATER AVAILABILITY.
6. MAXIMUM LEVELS OF EMANATIONS SHALL BE CONSISTENT WITH EXISTING SITES OF THESE PROPOSED USES OF FUEL SERVICE STATION/CONVENIENCE STORE.
7. NO PART OF THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
8. THIS SITE IS NOT LOCATED IN A BASIC SERVICES MORATORIUM AREA.
9. ALL SIGNAGE WILL BE IN ACCORDANCE WITH B.C. 21, SECTION 413.5 AND 413.6.

Special Exception & Variances Required

- A. SPECIAL EXCEPTION TO PERMIT AN AUTOMOTIVE SERVICE STATION IN AN AS DISTRICT. (SECTION 405.2.B.1).
- B. SPECIAL EXCEPTION TO PERMIT AN AUTOMOTIVE SERVICE STATION IN COMBINATION WITH A FOOD STORE WITH A SALES AREA LARGER THAN 1500 S.F. (SECTION 405.4.D.2).
- C. VARIANCE TO PERMIT 30 PARKING SPACES IN LIEU OF 34 REQUIRED. (SECTION 405.4.A.3.D & 405.6.2).
- D. VARIANCE TO PERMIT A SITE AREA OF 21,170 S.F. IN LIEU OF 26,600 S.F. REQUIRED. (SECTION 405.4.A.1 & 405.4.E.1).
- E. VARIANCE TO PERMIT A LANDSCAPE TRANSITION AREA OF 0' IN LIEU OF 15' REAR TRANSITION AREA REQUIRED AND 7', 7' AND 3' IN LIEU OF 10' ABUTTING PUBLIC RIGHT OF WAY REQUIRED. (SECTION 405.4.A.2.B).
- F. VARIANCE TO WAIVE RESTROOMS. (SECTION 405.4.B).
- G. VARIANCE TO PERMIT FRONT SETBACK OF 22' IN LIEU OF 25' REQUIRED. (SECTION 238.1) AND IN LIEU OF 35' REQUIRED. (SECTION 405.4.A.2.A) AND REAR YARD SETBACK OF 0' IN LIEU OF 30' REQUIRED. (SECTION 238.2).
- H. VARIANCE TO PERMIT GASOLINE PUMP ISLAND SETBACKS OF 24' AND 19' IN LIEU OF 25' REQUIRED. (SECTION 405.4.A.2.A).
- I. VARIANCE TO PERMIT CANOPY SETBACKS OF 7.5' AND 5' IN LIEU OF 15' REQUIRED. (SECTION 405.4.A.2.A).
- J. VARIANCE TO PERMIT FREE STANDING SIGNS OF 184 S.F. TOTAL IN LIEU OF 100 S.F. MAXIMUM PERMITTED. (SECTION 413.2.F).



Vicinity Map

Site Data

ELECTION DISTRICT
COUNCILMANIC DISTRICT
EXISTING ZONING
DEED REFERENCE
TAX ACCOUNT NUMBER
PLAT REFERENCE
CENSUS TRACT
WATERSHED
SUBSEWERSHED
THERE ARE NO 100 YEAR FLOOD PLAINS ON SITE.
THERE ARE NO CRITICAL AREAS ON SITE.
THERE ARE NO ARCHAEOLOGICAL SITES ON SITE.
THERE ARE NO HISTORIC BUILDINGS ON SITE.
THERE ARE NO ENDANGERED SPECIES HABITATS ON SITE.

SITE AREA PROVIDED
SITE AREA REQUIRED: 1500 X 8 FUEL SERVICE SPACES
CONVENIENCE STORE 2,900 X 4
TOTAL SITE AREA REQUIRED
EXISTING ZONING
EXISTING USE
PROPOSED USE
PROPOSED BUILDING FLOOR AREA
AREA OF SPECIAL EXCEPTION

PARKING REQUIRED:
FUEL SERVICE STATION
8 FUEL SERVICE SPACES
1 STACKING SPACE EACH SIDE OF MPD X 4 MPD
1 SPACE/EMPLOYEE X 2 EMPLOYEES
1 SPACE FOR SELF-SERVICING AIR STATION
CONVENIENCE STORE
2,900 S.F. @ 5 SPACES/1,000 S.F.
TOTAL PARKING REQUIRED
PARKING PROVIDED:
FUEL SERVICE STATION
CONVENIENCE STORE
TOTAL PARKING PROVIDED:

Required Planting Units

ADJACENT ROADS	1 P.U. / 40 LF. 550 LF. / 40	= 14.75 P.U.
INTERIOR ROADS	1 P.U. / 20 LF. 0 LF. / 20	= 0 P.U.
SCREENING DUMPSTER FROM PUBLIC R/W	1 P.U. / 15 LF. 30 LF. / 15	= 2 P.U.
PARKING LOTS	1 P.U. / 12 P.F. 16 P.F. / 12	= 1.33 P.U.
LANDSCAPE TRANSITION AREA (E) SIDE & REAR YARDS	1 P.U. / 10 LF. 165 LF. / 10	= 16.5 P.U.
ALONG PUBLIC R/W (CLASS B)	1 P.U. / 15 LF. 455 LF. / 15	= 30.33 P.U.
7+ LANDSCAPED AREA IN PARKING LOT	11,497 S.F. X 0.7	= 8,048 S.F.
PLANTING UNITS PROVIDED	EXISTING MAJOR DECIDUOUS 1:1 MINOR DECIDUOUS 2:1 EVERGREEN 2:1 SHRUB 5:1	NEW 7 = 7 P.U. 6 = 3 P.U. 12 = 6 P.U. 243 = 48.6 P.U. TOTAL P.U. PROVIDED 64.8 = 65 P.U.

THE LANDSCAPE TRANSITION AREA SHALL BE PLANTED AND SCREENED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES.

Plat to Accompany Special Exception and Variance Request With Schematic Landscaping
Back River Neck Road at
Middleborough Road
ELECTION DISTRICT 15
BALTIMORE COUNTY, MARYLAND
NOVEMBER 22, 1995
COUNCILMANIC DISTRICT 5
P.N. 7720
SHEET 1 OF 1

ROYAL FARMS

REGULAR	1.10
PLUS	1.14
SUPER	1.17

Proposed Sign Detail

NOT TO SCALE

Sign Calculations

134.5 S.F. PER FACE
LESS 42.5 S.F. EXEMPT FULL PRICING SIGNS
92 X 2 = 184 S.F. TOTAL (BOTH SIDES)

Legend

- MAJOR DECIDUOUS
- MINOR DECIDUOUS
- EVERGREEN TREE
- SHRUB/ORNAMENTAL GRASS
- ZONING VARIANCE REQUEST NO.

Proposed Spreader Bar Sign

NOT TO SCALE

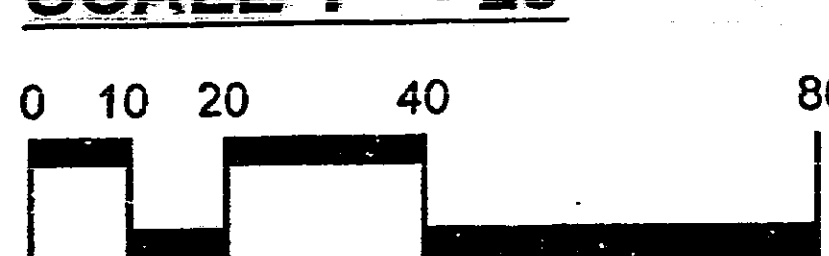
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Plan

SCALE: 1" = 20'

SCALE 1" = 20'



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REVISED 2-26-96
REVISED 1-19-96
REVISED 1-11-96
REVISED 1-4-96
REVISED 12-29-95
REVISED 12-19-95